

FOD: 03-22-13

Inspection Case File Activity D
U. S. Department of Labor
Occupational Safety and Health Administration



Company Name: Apple Inc
Management Official: Rob Proffer

Inspection #: 740904Telephone #: 314-290-0400Complaint #: 627370

Fax #:

Alternate #

Referral #:

Ben Huggett 267-402-3035
FI 267-1285-4471

CSHO ID #:

| Date | Action | Initials |
|-------------|---|------------------------|
| 24 Oct 2012 | Opened inspection, conducted Employee Intx. + held closing conf. | (b) (7)(C), (b) (7)(E) |
| 11/09/2012 | Noise monitoring results rec'd via email | |
| 2/26/2013 | CASE file submitted for review. | |
| 02/27/13 | on Nov. 9, 2012 - CSHO rec'd email showing <u>Abatement</u> for this citation issued. OK | |
| 02/28/13 | Signed & mailed cit | |
| 3/04/13 | Letter to complainant was mailed | |
| 03-05-13 | POSTED RETURN RECEIPT - CREATED P.S. SET FOD | |
| 03/21/13 | Held ISC By phone w/ Ben Huggett - faxed ISA to ER | |
| 03/22/13 | Rec'd signed ISA from ER - Signed & faxed back for ER records | |
| 03-25-13 | UPDATED OIS TO REFLECT ISA & ABATEMENT COMPLETED. | |
| 06-03-13 | SENT DC LETTER | |
| 6/10/13 | Rec'd a call from Elizabeth Schmidt, Apple Inc stating payment was made 4/2/13 + check was processed for \$2700 check # 0000002350514. Stated that check was mailed to Chicago Financial Advice. | (b) (7)(C), (b) (7)(E) |
| 6/12/13 | Spoke with (b) (7)(C), OASAM Chicago. OASAM did receive check & processed. They put it in their General Fund. After coordination with Nat'l Office, it was determined that the money would stay in the General Fund & SLAO would code system to give employer credit. | |
| 06-13-13 | WAIVED PAYMENT AND FEES "UNUSUAL SETTLEMENT AS DIRECTED BY DCAT. CLOSED CASE." | |

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM

APPLE INC
12545 RIATA VISTA CIRCLE
ATTN CASH DISBURSEMENTS MS 198-2AP
AUSTIN, TX 78727



2350516
April 02, 2013
70-2328/719
VOID AFTER 90 DAYS

Amount. **Two Thousand Seven Hundred dollars and 00 cents**

\$2,700.00

Pay to the order of US DEPARTMENT OF LABOR
230 S DEARBORN ST ROOM 1016
CHICAGO, IL 60604-1824

Bank of America N.A.
Commercial Disbursement Account
Northbrook, Illinois

Sam Wipke

AUTHORIZED SIGNATURE

(b) (4)

27449668

FRB CLEVELAND
0410-3603-3
US Treas DG - OTCNET
04/10/2013

ENDORSE CHECK HERE
DATE OF DEPOSIT
DATE OF DEPOSIT
DATE OF DEPOSIT
DATE OF DEPOSIT

VERIFY THE AUTHENTICITY OF THIS MULTI-TONE SECURITY DOCUMENT

CHECK BACKGROUND AREA CHANGES COLOR GRADUALLY FROM TOP TO BOTTOM

APPLE INC
12545 RIATA VISTA CIRCLE
ATTN: CASH DISBURSEMENTS MS 398-2AP
AUSTIN, TX 78727

Amount: Two Thousand Seven Hundred dollars and 00 cents**

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230 S DEARBORN ST ROOM 1016
CHICAGO, IL 60604-1824

Bank of America N.A.
Commercial Disbursement Account
Northbrook, Illinois



VOID ELECTRONICALLY
PROCESSED

***\$2,700.00**

VOID AFTER 90 DAYS

2350516
Apr 102 2013
170-2328719

AUTHORIZED SIGNATURE

Sam W. [Signature]

(b) (4)

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
Print your name and address on the reverse so that we can return the card to you.
Attach this card to the back of the mailpiece, or on the front if space permits.

Article Addressed to:

APPLE, INC.
2440 ST. LOUIS GALLERIA
Saint Louis, MO 63117

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery
(b) (7)(C) 6/6/2013
☐ Agent
☒ Addressee
☐ Yes
☐ No

If YES, enter delivery address below:

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

Article Number (Optional)
740904 (b) (7)(C), (b) (7)(E)

7008 1300 0000 3626 3092

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-0952

charges for overdue pen

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



June 03, 2013

APPLE, INC.
2440 ST. LOUIS GALLERIA
Saint Louis, MO 63117

Inspection Number : 740904
Due Date : March 25, 2013
Delinquent Date : April 25, 2013

Dear Mr. Proffer:

A notification of payment due for penalties assessed under the Occupational Safety and Health Act was sent to your firm on February 28, 2013. Payment was due on the date shown above and our records show that full payment has not been received. Unless payment is already in the mail, the unpaid balance shall be deemed delinquent.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the Department of Labor (29 CFR Part 20), effective March 8, 1985, the Occupational Safety and Health Administration is required to assess interest, as well as delinquent and administrative charges for overdue penalties. Interest on the unpaid balance which accrues at an annual rate of 1 percent a year from the date the payment became due has been assessed. In addition, the administrative cost of \$10.00 which has been incurred for this collection letter in order to recover the amount due has also been assessed. If the total amount due, including penalty, interest and administrative costs is not paid within one month of the date this letter is received, the matter will be referred to the National Office of the Occupational Safety and Health Administration in Washington, D.C. for further action. The National Office will assess additional interest and administrative charges. If the penalty is delinquent for more than three (3) months, a delinquent charge of 6 percent a year accruing from the date that the debt became delinquent, will also be assessed.

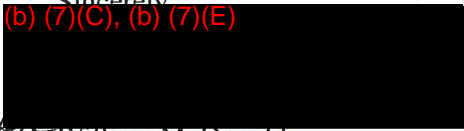
Further, you should be aware that, pursuant to the provisions of the Debt Collection Act, it is the policy of the Department of Labor and the Occupational Safety and Health Administration to disclose information concerning delinquent claims to commercial credit reporting agencies, to utilize the services of private debt collectors and to report information on unpaid debts to the Internal Revenue Service. To preclude exercise of the authorities discussed above and to avoid incurring additional charges, please remit the total amount due as indicated below:

| | |
|--|------------------|
| A review of our records indicates that you have paid: | \$0.00 |
| The current unpaid balance of the total penalty assessed is: | \$2700.00 |
| The current total of interest accrued is: | \$4.50 |
| The current total delinquent is: | \$0.00 |
| The current charge for administrative cost is: | \$10.00 |
| TOTAL AMOUNT NOW DUE : | \$2714.50 |

If you have recently submitted a payment covering the total amount of the penalty due, please disregard this notice. If you are unable to submit full payment at this time, or if you have any questions, please contact me immediately.

Sincerely,

(b) (7)(C), (b) (7)(E)

A large black rectangular redaction box covers the signature area.

William McDonald
Area Director

7008 1300 0000 3626 3092

| | |
|--|----|
| U.S. Postal Service™ | |
| CERTIFIED MAIL™ RECEIPT | |
| (Domestic Mail Only; No Insurance Coverage Provided) | |
| For delivery information visit our website at www.usps.com ® | |
| OFFICIAL USE | |
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |
| Postmark Here | |
| Sent To | |
| Street, Apt. No., or PO Box No. | |
| City, State, ZIP+4 | |
| PS Form 3800, August 2006 | |
| See Reverse for Instructions | |

TRANSMISSION VERIFICATION REPORT

TIME : 03/22/2013 15:25
 NAME : OSHA
 FAX : 3144252954
 TEL : 3144254249
 SER.# : BROF8J827012

DATE, TIME 03/22 15:24
 FAX NO./NAME 912672854471
 DURATION 00:00:48
 PAGE(S) 03
 RESULT OK
 MODE STANDARD
 ECM

Safety and Health add Value to your Business, your Workplace and your Life



Occupational Safety and Health Administration
 St. Louis Area Office
 1222 Spruce Street, Room 9.104
 St. Louis, MO 63103-2812
 (314) 425-4249
 FAX: (314) 425-2954

TO: Ben Huggett

FROM:

(b) (7)(C), (b) (7)(E)

FAX: 267-285-4471

DATE: 03/21/13

PHONE: 267-402-3035

RE: Signed Informal Settlement Agreement

TOTAL # OF PAGES (including cover sheet) 3

☐ Urgent ☐ For Review ☐ Please Comment/Reply ☒ Please Sign per our Conversation ☒ For Your Records ☐ CONFIDENTIAL

NOTES/COMMENTS:



Occupational Safety and Health Administration

St. Louis Area Office

1222 Spruce Street, Room 9.104

St. Louis, MO 63103-2812

(314) 425-4249

FAX: (314) 425-2954

TO: Ben Huggett

FROM:

(b) (7)(C), (b) (7)(E)

FAX: 267-285-4471

DATE:

03/22/13
03/21/13

PHONE: 267-402-3035

RE:

SIGNED Informal Settlement Agreement

TOTAL # OF PAGES (including cover sheet) 3

☐ Urgent ☐ For Review ☐ Please Comment/Reply ☒ Please Sign per our Conversation ☒ For Your Records ☐ CONFIDENTIAL

NOTES/COMMENTS:



Employment & Labor Law Solutions Worldwide

FACSIMILE COVER SHEET

March 22, 2013

To: (b) (7)(C), (b) (7)(E)
Occupational Safety and Health
Administration (OSHA)

Fax: 314.425.2954 Phone: 314.425.4249

Fax #(s) verified before sending (initial):

From: Thomas Benjamin Huggett Fax: 267.402.3131 Phone: 267.402.3035

Length, including this cover letter: 3 Pages

If you do not receive all pages, please call Sender's Phone Number.

Message:

In the Matter of: Apple, Inc./OSHA No. 740904

Attached is the Informal Settlement Agreement which has been executed on behalf of the Employer.

CONFIDENTIALITY – The information contained in this fax message is intended only for the personal and confidential use of the designated recipient(s) named above. This message is a communication from attorneys or their agents relating to pending legal matters and, as such, is intended to be privileged and/or confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

Transmittal Completed: _____ am / pm Client Code: 043907.1000 User Number: 3370

Littler Mendelson, P.C.

Three Parkway, 1601 Cherry Street, Suite 1400, Philadelphia, PA 19102.1321
Tel: 267.402.3000 Fax: 267.402.3131 www.littler.com

**U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION**

In the Matter of: **APPLE, INC.**

OSHA No.(s): **740904**

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on **02/28/2013**, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.
3. The Employer and OSHA agree that the following citations and penalties, if any, are not being amended:

N/A

4. OSHA agrees that the following citations and penalties are being amended as shown below:

Citation 1, Item 1 - Change to Other-Than-Serious, penalty remains \$2,700.00.

(TOTAL PENALTIES: \$2,700.00)

5. The employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.
6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the

location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.
8. By entering into this agreement, the employer does not admit that it violated the cited standards for any litigation or purpose other than a subsequent proceeding under the Occupational Safety and Health Act.

For the Occupational Safety
And Health Administration
William D. McDonald, CSP
(signature and date)

For the Employer
(signature and date)

TRANSMISSION VERIFICATION REPORT

TIME : 03/21/2013 09:54
NAME : OSHA
FAX : 3144252954
TEL : 3144254249
SER.# : BROF8J827012

DATE, TIME
FAX NO./NAME
DURATION
PAGE(S)
RESULT
MODE

03/21 09:53
912672854471
00:00:44
03
OK
STANDARD
ECM

Safety and Health add Value to your Business, your Workplace and your Life



Occupational Safety and Health Administration
St. Louis Area Office
1222 Spruce Street, Room 9.104
St. Louis, MO 63103-2812
(314) 425-4249
FAX: (314) 425-2954

TO: Ben Huggett

FROM:

(b) (7)(C), (b) (7)(E)

FAX: 267-285-4471

DATE: 03/21/13

PHONE: 267-402-3035

RE: IN formal Settlement Agreement

TOTAL # OF PAGES (including cover sheet) 3

☐ Urgent ☐ For Review ☐ Please Comment/Reply ☒ Please Sign per our Conversation ☐ For Your Records ☐ CONFIDENTIAL

NOTES/COMMENTS:



Date: 03/03/2013

RE: OSHA Complaint No. 439951

(b) (7)(C)

In response to your formal complaint concerning safety and/or health hazards at: Apple, INC. located at 2440 St. Louis Galleria, St. Louis, MO 63117, the Occupational Safety and Health Administration conducted an inspection there. The inspection was completed on February 26, 2013.

The scope of this inspection was limited to the following complaint items:

Item 1: The noise level on the sales floor reaches 95 dB on regular basis. An audiologist was in the store for training and took a reading with DB monitor on his cell. Normal speech could not be heard. Employees have to raise their voices considerably to have a conversation with a customer. Employees complain of being left with a high-pitched ringing in their ears once they have left work. The noise is worse on the weekend.

Findings: At the time the inspection, sound level readings taken at the customer service area ranged between 6.4 – 77.6 dBA. The employer had a third party contractor conduct full shift monitoring on 10/27/2012 and 10/29/2012. On both occasions, the readings were below 85 dBA. The aforementioned readings did not reveal any violative condition.

Item 2: There is only one restroom for (b) (4) employees working at the same time. General Growth Properties (the mall) has general bathroom facilities located in the mall, however, with 1 to 2 managers having to approve leaving the store; it is not a feasible option.

Findings: During the inspection, management officials confirmed that employees are allowed permission to use the mall restroom facilities when requested. No violative condition was found regarding this complaint item.

Item 3: Located in the repair room area heavy parts boxed hanging over the edge of a very high shelf. One of the boxes recently fell off the shelf and hit a manager in the back of the head.

Findings: During the inspection, the inspector determined a box fell from a shelf and hit a management representative in the head. The box fell due to the location where it was placed; it was not pushed far enough on to the shelf. The box fell due to vibration not due to overstocking; therefore, no violative condition was found regarding this complaint item.

Item 4: Water fountain is not up to code.

Findings: OSHA does not enforce codes relevant to water fountains.


If you do not agree with our inspection results, you may contact me at the telephone number for clarification of the matter. Your identity will be withheld unless you explicitly request that it be revealed.

Section 11(c) of the OSH Act provides protection for employees against discrimination because of their involvement in protected safety and health related activity. If you believe you are being treated differently or action is being taken against you because of your safety or health activity, you may file a complaint with OSHA. You should file this complaint as soon as, since OSHA normally can accept only those complaints filed within 30 days of the alleged discriminatory action.

Thank you for your concern for a safe and healthful workplace.

Respectfully,

(b) (7)(C), (b) (7)(E)

 William D. McDonald, CSP
Area Director

Read attached citation.



Citation and Notification of Penalty

Company Name: APPLE, INC.

Inspection Site: 2440 ST. LOUIS GALLERIA, Saint Louis, MO 63117

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.37(b)(6):

Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:

An exit sign located above the door in the middle hallway was not illuminated.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/20/2013

Proposed Penalty:

\$2700.00

(b) (7)(C), (b) (7)(E)

However during the inspection this violative condition was found & the Employer was cited.

for

William McDonald
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights, and responsibilities.

(b) (7)(C), (b) (7)(E)

From: Elizabeth Schmidt <eschmidt@apple.com>
Sent: Friday, November 09, 2012 4:05 PM
To: (b) (7)(C), (b) (7)(E)
Cc: Erica Larsen; Rob Proffer; Megan McGuire
Subject: Follow up: Apple Galleria Store
Attachments: 121108_TransandReport_St Louis MO Noise.pdf; ATT1367075.htm; R114. Galleria. OSHA 10222012.pdf; ATT1367076.htm

Terefe-

As you requested, here is the full noise report and follow up on exit signage lighting.

1. Noise: Please see attached report on noise. As I mentioned in my earlier call, all exposures during the assessment were below ACGIH recommended Threshold Limit Values and OSHA action level and permissible exposure level for noise.
2. Exit signage: An evaluation of the signage was completed on 11/6/12, a new sign was recommended. A new sign was installed and confirmed to be functioning on 11/7/12.
3. Notice to employees: The information you left at the store was been posted next to the information iPads for all staff to see on 11/2/12.

Please let me know if you have any questions or further concerns.

Thank you,
Elizabeth

Elizabeth Schmidt
iPhone-(408)425-5150
eschmidt@apple.com

03/21/2013 09:53 3144252954

OSHA

PAGE 02/03

U.S. DEPARTMENT OF LABOR OCCUPATIONAL SAFETY AND
HEALTH ADMINISTRATION

In the Matter of: APPLE, INC.

OSHA No.(s): 740904

INFORMAL SETTLEMENT AGREEMENT

The undersigned Employer and the undersigned Occupational Safety and Health Administration (OSHA), in settlement of the above citation(s) and penalties which were issued on 02/28/2013, hereby agree as follows:

1. The Employer agrees to correct the violations as cited in the above citations or as amended below.
2. The Employer agrees to pay the proposed penalties, if any, as issued with the above citation(s), or, if amended by this agreement, as amended below.
3. The Employer and OSHA agree that the following citations and penalties, if any, are not being amended:

N/A

4. OSHA agrees that the following citations and penalties are being amended as shown below:

Citation 1, Item 1 - Change to Other-Than-Serious, penalty remains \$2,700.00.

(TOTAL PENALTIES: \$2,700.00)

5. The employer, by signing this informal settlement agreement, hereby waives its rights to contest the above citation(s) and penalties, as amended in paragraph 4 of this agreement.
6. The employer agrees to immediately post a copy of this Settlement Agreement in a prominent place at or near the

03/21/2013 09:53 3144252954

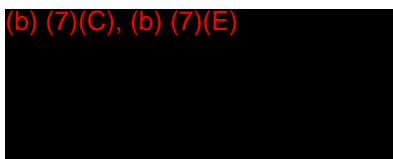
OSHA

PAGE 03/03

location of the violation(s) referred to in paragraph 4 above. This Settlement Agreement must remain posted until the violations cited have been corrected, or for 3 working days (excluding weekends and Federal Holidays), whichever is longer.

7. The employer agrees to continue to comply with the applicable provisions of the Occupational Safety and Health Act of 1970, and the applicable safety and health standards promulgated pursuant to the Act.
8. By entering into this agreement, the employer does not admit that it violated the cited standards for any litigation or purpose other than a subsequent proceeding under the Occupational Safety and Health Act.

(b) (7)(C), (b) (7)(E)



for
For the Occupational Safety
And Health Administration
William D. McDonald, CSP
(signature and date)

3/22/13
Elizabeth Schmidt *3/22/13*
For the Employer
(signature and date)

U.S. Department of Labor Occupational Safety and Health Administration
1222 Spruce Street,
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



02/28/2013

APPLE, INC.
2440 ST. LOUIS GALLERIA,
Saint Louis, MO 63117

Dear Employer,

The recent inspection of your workplace revealed no instances of Repeated, Willful, or Failure-To-Abate violations, nor were there a significant number of High Gravity Serious violations. Additionally, the compliance officer has reported that you have a good understanding of the actions necessary to correct the violations cited, and that you are willing to make those corrections by the date(s) specified in the attached citation. These factors, along with the good faith you have exhibited, make your firm eligible for an Expedited Informal Settlement Agreement (EISA). Under this program, an employer and OSHA can enter into an Informal Settlement Agreement without going through the formal procedure of meeting in the Area Office. However, if you decide to enter into the EISA, you should be aware that you relinquish your right to contest the citations and penalties of this inspection.

The EISA can be used only where the sole issue of dispute is the dollar amount of proposed penalties. If you wish to discuss, change, or object to any other aspect of the inspection or citations -- including abatement dates, validity of violations, classification of violations -- then the EISA cannot be used. Under those circumstances, you may request an Informal Conference with me and/or exercise your contest rights as explained elsewhere.

You should carefully read the enclosed EISA to determine whether the terms of the agreement are acceptable to you. Key elements of the agreement call for OSHA to agree to a 30 percent reduction in the total penalty amount proposed; for the Employer to correct the violations by the abatement date(s) set forth in the citation(s); for the Employer to provide evidence of corrective actions taken and to provide written certification that all items have been abated at the time of final abatement. (The Certification Correction Action Worksheet is attached to the Citation and Notification of Penalty.) Please note that failure to comply with any of the terms set forth in the agreement will cause the penalty to revert to the initially proposed amount.

The signed agreement and a check for the full amount of the reduced penalty must be delivered to the Area Office prior to the expiration of the 15-working day contest period. If mailed, the letter must be postmarked not later than the day that the 15-working day contest period ends.

If you have any questions regarding the EISA, please contact this office at the phone number listed above.

Sincerely,

(b) (7)(C), (b) (7)(E)

 William McDonald,
Area Director

EXPEDITED INFORMAL SETTLEMENT AGREEMENT

The undersigned EMPLOYER and the undersigned Occupational Safety and Health Administration, (OSHA), in settlement of the above referenced Citation(s) and Notification(s) of Penalty which were issued on 02/28/2013, hereby agree as follows:

1. The EMPLOYER agrees to correct the violations as cited in the above referenced citations.
2. The EMPLOYER agrees to provide evidence of the actions taken to correct the cited violations.
3. Upon correction of all violations, the EMPLOYER agrees to provide written certification to the Area Director that all of the violations have been corrected. The EMPLOYER agrees to post a copy of the written certification for a period of three days in the place the citations were posted as described in paragraph 6 of this AGREEMENT.
4. OSHA agrees that the total penalty is amended to \$1890.00. Failure of the EMPLOYER to comply with the terms of this AGREEMENT shall cause the penalty to revert to the initially proposed penalty of \$2700.00.
5. In consideration of the foregoing amendments and/or modifications to the citations, the EMPLOYER hereby waives its right to contest said citations pursuant to Section 10(c) of the Occupational Safety and Health Act of 1970. It is understood and agreed by the Occupational Safety and Health Administration and the EMPLOYER that the citations as amended and/or modified by this agreement shall be deemed a final order not subject to review by any court or agency.
6. The EMPLOYER agrees to immediately post a copy of this Settlement Agreement in the same manner and place as the Citations (Citations are required by law to be posted in a prominent place at or near the location of the violations). Citations must remain posted until the violations cited have been corrected, or for three working days (excluding weekends and Federal Holidays, whichever is longer.)
7. Each party hereby agrees to bear its own fees and other expenses incurred by such party in connection with any stage of this proceeding.

Company Official and Title

William McDonald,
Area Director

Dated Signed

Dated Signed

NOTICE TO EMPLOYEES

The law gives you and your representative the opportunity to object to any abatement date set for a violation if you believe the date to be unreasonable. Any contest of the abatement dates of the citations referred to in paragraph 1 of this Settlement Agreement must be mailed to the address below within 15 working days (excluding weekends and Federal Holidays) of the receipt by the Employer of the original citations:

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289

U.S. Department of Labor

Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



Citation and Notification of Penalty

To:
APPLE, INC.
2440 ST. LOUIS GALLERIA
Saint Louis, MO 63117

Inspection Number: 740904
Inspection Date(s): 10/24/2012 - 10/24/2012
Issuance Date: 02/28/2013

Inspection Site:
2440 ST. LOUIS GALLERIA
Saint Louis, MO 63117

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Occupational Safety and Health Act of 1970. The penalty(ies) listed herein is (are) based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties proposed, unless within 15 working days (excluding weekends and Federal holidays) from your receipt of this Citation and Notification of Penalty you mail a notice of contest to the U.S. Department of Labor Area Office at the address shown above. Please refer to the enclosed booklet (OSHA 3000) which outlines your rights and responsibilities and which should be read in conjunction with this form. Issuance of this Citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless this Citation is affirmed by the Review Commission or a court.

Posting - The law requires that a copy of this Citation and Notification of Penalty be posted immediately in a prominent place at or near the location of the violation(s) cited herein, or, if it is not practicable because of the nature of the employer's operations, where it will be readily observable by all affected employees. This Citation must remain posted until the violation(s) cited herein has (have) been abated, or for 3 working days (excluding weekends and Federal holidays), whichever is longer.

Informal Conference - An informal conference is not required. However, if you wish to have such a conference you may request one with the Area Director during the 15 working day contest period. During such an informal conference you may present any evidence or views which you believe would support an adjustment to the citation(s) and/or penalty(ies).

If you are considering a request for an informal conference to discuss any issues related to this Citation and Notification of Penalty, you must take care to schedule it early enough to allow time to contest after the informal conference, should you decide to do so. Please keep in mind that a written letter of intent to contest must be submitted to the Area Director within 15 working days of your receipt of this Citation. The running of this contest period is not interrupted by an informal conference.

If you decide to request an informal conference, please complete, remove and post the Notice to Employees next to this Citation and Notification of Penalty as soon as the time, date, and place of the informal conference have been determined. Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an informal settlement agreement which amicably resolves this matter without litigation or contest.

Right to Contest – You have the right to contest this Citation and Notification of Penalty. You may contest all citation items or only individual items. You may also contest proposed penalties and/or abatement dates without contesting the underlying violations. **Unless you inform the Area Director in writing that you intend to contest the citation(s) and/or proposed penalty(ies) within 15 working days after receipt, the citation(s) and the proposed penalty(ies) will become a final order of the Occupational Safety and Health Review Commission and may not be reviewed by any court or agency.**

Penalty Payment – Penalties are due within 15 working days of receipt of this notification unless contested. (See the enclosed booklet and the additional information provided related to the Debt Collection Act of 1982.) Make your check or money order payable to “DOL-OSHA”. Please indicate the Inspection Number on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

Notification of Corrective Action – For each violation which you do not contest, you must provide *abatement certification* to the Area Director of the OSHA office issuing the citation and identified above. This abatement certification is to be provided by letter within 10 calendar days after each abatement date. Abatement certification includes the date and method of abatement. If the citation indicates that the violation was corrected during the inspection, no abatement certification is required for that item. The abatement certification letter must be posted at the location where the violation appeared and the corrective action took place or employees must otherwise be effectively informed about abatement activities. A sample abatement certification letter is enclosed with this Citation. In addition, where the citation indicates that *abatement documentation* is necessary, evidence of the purchase or repair of equipment, photographs or video, receipts, training records, etc., verifying that abatement has occurred is required to be provided to the Area Director.

Employer Discrimination Unlawful – The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the U.S. Department of Labor Area Office at the address shown above.

Employer Rights and Responsibilities – The enclosed booklet (OSHA 3000) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

Notice to Employees – The law gives an employee or his/her representative the opportunity to object to any abatement date set for a violation if he/she believes the date to be unreasonable. The contest must be mailed to

the U.S. Department of Labor Area Office at the address shown above and postmarked within 15 working days (excluding weekends and Federal holidays) of the receipt by the employer of this Citation and Notification of Penalty.

Inspection Activity Data – You should be aware that OSHA publishes information on its inspection and citation activity on the Internet under the provisions of the Electronic Freedom of Information Act. The information related to these alleged violations will be posted when our system indicates that you have received this citation. You are encouraged to review the information concerning your establishment at www.osha.gov. If you have any dispute with the accuracy of the information displayed, please contact this office.



NOTICE TO EMPLOYEES OF INFORMAL CONFERENCE

An informal conference has been scheduled with OSHA to discuss the citation(s) issued on 02/28/2013. The conference will be held at the OSHA office located at 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103 on _____ at _____.

Employees and/or representatives of employees have a right to attend an informal conference.

CERTIFICATION OF CORRECTIVE ACTION WORKSHEET

Inspection Number: 740904

Company Name: APPLE, INC.

Inspection Site: 2440 ST. LOUIS GALLERIA, Saint Louis, MO 63117

Issuance Date: 02/28/2013

List the specific method of correction for each item on this citation in this package that does not read "Corrected During Inspection" and return to: **U.S. Department of Labor – Occupational Safety and Health Administration, 1222 Spruce Street, Room 9.104, Saint Louis, MO 63103**

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

Citation Number _____ and Item Number _____ was corrected on _____
By (Method of Abatement): _____

I certify that the information contained in this document is accurate and that the affected employees and their representatives have been informed of the abatement.

Signature

Date

Typed or Printed Name

Title

NOTE: 29 USC 666(g) whoever knowingly makes any false statements, representation or certification in any application, record, plan or other documents filed or required to be maintained pursuant to the Act shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment of not more than 6 months or both.

POSTING: A copy of completed Corrective Action Worksheet should be posted for employee review



Citation and Notification of Penalty

Company Name: APPLE, INC.

Inspection Site: 2440 ST. LOUIS GALLERIA, Saint Louis, MO 63117

Citation 1 Item 1 Type of Violation: **Serious**

29 CFR 1910.37(b)(6):

Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:

An exit sign located above the door in the middle hallway was not illuminated.

Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

03/20/2013

Proposed Penalty:

\$2700.00

(b) (7)(C), (b) (7)(E)

 **William McDonald**
Area Director

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

U.S. Department of Labor
Occupational Safety and Health Administration
1222 Spruce Street
Room 9.104
Saint Louis, MO 63103
Phone: 314-425-4249 Fax: 314-425-4289



INVOICE / DEBT COLLECTION NOTICE

Company Name: APPLE, INC.
Inspection Site: 2440 ST. LOUIS GALLERIA, Saint Louis, MO 63117
Issuance Date: 02/28/2013

| | |
|---|------------------|
| Summary of Penalties for Inspection Number | 740904 |
| Citation 1, Serious | \$2700.00 |
| TOTAL PROPOSED PENALTIES | \$2700.00 |

To avoid additional charges, please remit payment promptly to this Area Office for the total amount of the uncontested penalties summarized above. Make your check or money order payable to: "DOL-OSHA". Please indicate OSHA's Inspection Number (indicated above) on the remittance.

OSHA does not agree to any restrictions or conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions or conditions do not exist.

If a personal check is issued, it will be converted into an electronic fund transfer (EFT). This means that our bank will copy your check and use the account information on it to electronically debit your account for the amount of the check. The debit from your account will then usually occur within 24 hours and will be shown on your regular account statement. You will not receive your original check back. The bank will destroy your original check, but will keep a copy of it. If the EFT cannot be completed because of insufficient funds or closed account, the bank will attempt to make the transfer up to 2 times.

Pursuant to the Debt Collection Act of 1982 (Public Law 97-365) and regulations of the U.S. Department of Labor (29 CFR Part 20), the Occupational Safety and Health Administration is required to assess interest, delinquent charges, and administrative costs for the collection of delinquent penalty debts for violations of the Occupational Safety and Health Act.

Interest: Interest charges will be assessed at an annual rate determined by the Secretary of the Treasury on all penalty debt amounts not paid within one month (30 calendar days) of the date on which the debt amount


becomes due and payable (penalty due date). The current interest rate is one percent (1%). Interest will accrue from the date on which the penalty amounts (as proposed or adjusted) become a final order of the Occupational Safety and Health Review Commission (that is, 15 working days from your receipt of the Citation and Notification of Penalty), unless you file a notice of contest. Interest charges will be waived if the full amount owed is paid within 30 calendar days of the final order.

Delinquent Charges: A debt is considered delinquent if it has not been paid within one month (30 calendar days) of the penalty due date or if a satisfactory payment arrangement has not been made. If the debt remains delinquent for more than 90 calendar days, a delinquent charge of six percent (6%) per annum will be assessed accruing from the date that the debt became delinquent.

Administrative Costs: Agencies of the Department of Labor are required to assess additional charges for the recovery of delinquent debts. These additional charges are administrative costs incurred by the Agency in its attempt to collect an unpaid debt. Administrative costs will be assessed for demand letters sent in an attempt to collect the unpaid debt.

(b) (7)(C), (b) (7)(E)



 William McDonald
Area Director

02/28/13
Date

U.S. Department of Labor - Occupational Safety and Health Administration

Inspection Report

Tue Feb 26, 2013 14:40:24 PM

| RID | CSHO ID | Supervisor ID | Inspection Number | Optional Report Number | Case Closed Date |
|---------|------------------------|---------------|-------------------|------------------------|------------------|
| 0729300 | (b) (7)(C), (b) (7)(E) | | 740904 | | |

| | | | | | |
|--------------------|--|-----------------|-------------------------|--------------------------|----------------|
| Establishment Name | APPLE, INC. | | Doing Business As (DBA) | | |
| Type of Business | Corporation | | Primary NAICS | | 443120 |
| Site Address | 2440 ST. LOUIS GALLERIA SAINT LOUIS, MO, 63117 | Site Phone | (314)-290-0400 | Extn | Site FAX |
| Business Address | 2440 ST. LOUIS GALLERIA SAINT LOUIS, MO, 63117 | Business Phone | (314)-290-0400 | | Business FAX |
| Mailing Address | 2440 ST. LOUIS GALLERIA SAINT LOUIS, MO, 63117 | E-mail | | | Mobile Phone |
| Site Activity | | NAICS Inspected | 443120 | | Days on Site 1 |
| Federal EIN | 111222333 | DUNs | | Temporary or Fixed Site? | Fixed Site |

| | | | | | |
|--------------------|-------------|----------|---------------------------|-------------|----------|
| Entry | 24-OCT-2012 | 10:00 AM | First Closing Conference | 24-OCT-2012 | 12:00 PM |
| Opening Conference | 24-OCT-2012 | 10:00 AM | Second Closing Conference | | |
| Walkaround | 24-OCT-2012 | 10:00 AM | Exit | 24-OCT-2012 | 12:00 PM |

| | | | | | |
|-------------------------------|-----------|------|---|----------------------|--------|
| Inspection Initiating Type | Complaint | | | Secondary Type | |
| Other Initiating Type | | | | Inspection Category | Health |
| Scope of Inspection | Partial | | | Reason No Inspection | |
| Sampling Performed? | Y | SVEP | N | Expln. for No Insp. | |
| Federal Strategic Initiatives | | | | | |
| National Emphasis | | | | | |
| Local Emphasis | | | | | |
| Primary Emphasis | | | | | |

| | | | | | |
|---------------------------|---------|--------------|---|----------------------|---|
| Employed in Establishment | (b) (4) | Walkaround? | N | Advance Notice? | N |
| Covered By Inspection | | Interviewed? | Y | Flag for Follow-up | N |
| Controlled By Employer | | Union? | | Reason for Follow-up | |

| Related Activity | | | |
|------------------|---------------|-----------|--------------------|
| Activity Number | Activity Type | Satisfied | Establishment Name |
| 627370 | Complaint | | APPLE, INC. |

| Related Inspections | |
|---------------------|--------------------|
| Inspection Number | Establishment Name |
| | |

| Additional Codes | | | |
|------------------|----|-------|-------------|
| Type | ID | Value | Description |
| | | | |

| Employer Representatives Contacted | | | | |
|------------------------------------|-----------|---------------|---|--------------|
| First Name | Last Name | Job Title | Participation | Interviewed? |
| Megan | McGuire | Store Manager | | N |
| Rob | Proffer | Store Leader | Walk Around, Credentials, Closing Conference, Opening Conference | N |

| Penalty Adjustment Factors | | | | | |
|----------------------------|---|--------------------------|----|-----------------------|----|
| Size Reduction | 10% | Good Faith Reduction | 0% | History Reduction | 0% |
| Size Justification | System, set it to 10% Number of Employees was changed | Good Faith Justification | | History Justification | |

| | | | | |
|----------------|------------------------|------|---|--|
| CSHO Signature | (b) (7)(C), (b) (7)(E) | Date | 2 | |
|----------------|------------------------|------|---|--|

7008 1300 0000 3625 8784

| | |
|--|--------------------------------|
| U.S. Postal Service™ | |
| CERTIFIED MAIL™ RECEIPT | |
| <i>(Domestic Mail Only; No Insurance Coverage Provided)</i> | |
| For delivery information visit our website at www.usps.com ® | |
| OFFICIAL USE | |
| Postage | \$ |
| Certified Fee | |
| Return Receipt Fee (Endorsement Required) | |
| Restricted Delivery Fee (Endorsement Required) | |
| Total Postage & Fees | \$ |
| Sent To | Apple, INC. |
| Street, Apt. No., or PO Box No. | 2440 St. Louis Galleria |
| City, State, ZIP+4 | St. Louis, MO 63117 |
| PS Form 3800, August 2006 | |
| See Reverse for Instructions | |

Postmark Here

F017:03-22-13

SENDER:

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

3. Article Addressed to:

**Apple, INC.
2440 St. Louis Galleria
St. Louis, MO 63117**

7008 1300 0000 3625 8784

- 4b. Service Type
- ☐ Registered
 - ☐ Express Mail
 - ☒ Return Receipt for Merchandise
 - ☒ Certified
 - ☐ Insured
 - ☐ COD

7. Date of Delivery

MAR 1, 13

8. Addressee's Address (Only if requested and fee is paid)

(b) (7)(C)
[Redacted]

PS Form 3811, December 1994

102595-99-B-0223

Domestic Return Receipt

Receipt Service.

Thank you for using Return Receipt Service.

OSHA 7



Notice of Alleged Safety or Health Hazards

October 22, Monday 2012

| | | | | |
|--|---|------------------|---------------------------------------|--------|
| | | Complaint Number | | 627370 |
| Establishment Name | APPLE, INC. | | | |
| Site Address | 2440 ST. LOUIS GALLERIA, SAINT LOUIS, MO 63117 | | | |
| | Site Phone | 314-290-0400 | Site FAX | |
| Mailing Address | 2440 ST. LOUIS GALLERIA, SAINT LOUIS, MO 63117 | | | |
| | Mail Phone | 314-290-0400 | Mail FAX | |
| Management Official | | | Telephone | |
| Type of Business | Computer Retail Store | | | |
| Primary SIC | | Primary NAICS | 443120 - Computer and Software Stores | |
| HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists. | | | | |
| <p>Complainant alleges the following safety hazard(s):</p> <ol style="list-style-type: none"> 1. The noise levels on the sales floor reach upwards of 95 dB on a regular basis. An audiologist was in the store for training and took a reading with a dB monitor on his cell. Normal speech cannot be heard. Employees have to raise their voices considerably to have a conversation with a customer. Employees complain of being left with a high-pitched ringing in their ears once they've left work. The noise is worse on the weekend. 2. There is only 1 restroom for over (b) (4) employees working at the same time. General Growth Properties (the mall) has general bathroom facilities located in the mall, however with 1 to 2 managers having to approve leaving the store; it is not a feasible option. 3. Located in the repair room are heavy parts boxed hanging over the edge of a very high shelf. One of the boxes recently fell off the shelf and hit a manager in the back of the head. 4. Water fountain is not up to code. | | | | |

Activity # 627,0

Notice of Alleged Safety or Health Hazards

| | | | | | |
|--|--|---|--------------|-----------|--|
| | | Complaint Number | | | |
| Establishment Name | | Apple, Inc. | | | |
| Site Address | | | | | |
| | | Site Phone | 314-290-0400 | Site FAX | |
| Mailing Address | | 2440 Saint Louis Galleria | | | |
| | | Mail Phone | | Mail FAX | |
| Management Official | | | | Telephone | |
| Type of Business | | Retail Store | | | |
| HAZARD DESCRIPTION/LOCATION. Describe briefly the hazard(s) which you believe exist. Include the approximate number of employees exposed to or threatened by each hazard. Specify the particular building or worksite where the alleged violation exists. | | | | | |
| <p>-The noise levels on the sales floor reach upwards of 95db on a regular basis. Normal speech can't be heard. I have to raise my voice considerably to have conversation with a customer. It leaves me with a high-pitched ringing in my ears when leaving work.</p> <p>-We have 1 restroom for over (b) (4) employees working at the same time. General Growth Properties (the mall) has general bathroom facilities located in the mall, however, with one to two managers having to approve leaving the store, it is not a viable option. Apple is my employer, not the mall, and myself and many co-workers believe that Apple should supply us with the correct amount of facilities.</p> <p>-In our repair room we have heavy part boxes hanging over the edge of a very high shelf. One of the boxes recently fell off and hit a manager on the back of the head. There should be better shelving in that room.</p> | | | | | |
| Has this condition been brought to the attention of: | | <input checked="" type="checkbox"/> Employer <input type="checkbox"/> Other Government Agency(specify) | | | |
| Please Indicate Your Desire: | | <input checked="" type="checkbox"/> Do NOT reveal my name to my Employer <input type="checkbox"/> My name may be revealed to the Employer | | | |
| The Undersigned believes that a violation of an Occupational Safety or Health standard exists which is a job safety or health hazard at the establishment named on this form. | | (Mark "X" in ONE box) <input checked="" type="checkbox"/> Employee <input type="checkbox"/> Federal Safety and Health Committee <input type="checkbox"/> Representative of Employees <input type="checkbox"/> Other (specify) | | | |
| Complainant Name | | (b) (7)(C) | | | |
| Address(Street, City, State, Zip) | | | | | |
| Signature | | | | | |
| If you are an authorized representative of an organization, please state the name of the organization that you represent and your title: | | | | | |
| Organization Name: | | Your Title: | | | |

- water fountain is not up to code
- Store crowding

OSHA 1A

COVERAGE:

The employer is a nationwide electronic equipment inventor and distributor.

BACKGROUND:

On 10/24/2012, when CSHO (b) (7) arrived at the Apple, Inc. retail store, he was met by the EHS Manager, Elizabeth Schmidt. After presenting credentials, stating the nature of OSHA's visit of the site, handing a copy of the copy of the OSHA Alleged Safety and Health Hazard form, permission was requested by the CSHO and granted by the official above.

The employer is a nationwide inventor and distributor of electronic equipment such as computers, digital telephones and tablets. They employ thousands of workers at retail stores around the United States. At the site of the inspection, as many as (b) workers were engaged in sales, customer assistance and equipment trouble shooting and repair of above electronic equipment. The store operated from 10:00 am to 9:00 pm Monday to Saturday and 10:00 am to 6:00 pm on Sunday. The employees at the site did not have union representation; therefore, an opening conference was limited to management officials.

SCOPE/ WALKAROUND:

The scope of this inspection was limited to the following complaint items:

Item 1: The noise level on the sales floor reaches 95 dB on regular basis. An audiologist was in the store for training and took a reading with DB monitor on his cell. Normal speech could not be heard. Employees have to raise their voices considerably to have a conversation with a customer. Employees complain of being left with a high-pitched ringing in their ears once they have left work. The noise is worse on the weekend.

Findings: At the time the inspection, sound level readings taken at the customer service area ranged between 6.4 – 77.6 dBA. The employer had a third party contractor conduct full shift monitoring on 10/27/2012 and 10/29/2012. On both occasions, the readings were below 85 dBA. The aforementioned readings did not reveal any violative condition.

Item 2: There is only one restroom for (b) (4) employees working at the same time. General Growth Properties (the mall) has general bathroom facilities located in the mall, however, with 1 to 2 managers having to approve leaving the store; it is not a feasible option.

Findings: During the inspection, management officials confirmed that employees are allowed permission to use the mall restroom facilities when requested. No violative condition was found regarding this complaint item.

Item 3: Located in the repair room area heavy parts boxed hanging over the edge of a very high shelf. One of the boxes recently fell off the shelf and hit a manager in the back of the head.

Findings: During the inspection, the inspector determined a box fell from a shelf and hit a management representative in the head. The box fell due to the location where it was placed; it was not pushed far enough on to the shelf. The box fell due to vibration not due to overstocking; therefore, no violative condition was found regarding this complaint item.

Item 4: Water fountain is not up to code.

Findings: OSHA does not enforce codes relevant to water fountains.

CLOSING:

The closing conference was held with store leader, Bob Proffer, and senior manager, Meagan McGuire. Conditions observed at the site were reviewed. Abatement method and period discussed, requirement to post citation, employer right for informal settlement agreement, and the right to contest the citations was explained.



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No. RB118
UPC 89415



05HA 1B

U.S. Department of Labor
Occupational Safety and Health Administration

Violation Worksheet

Print Date : 02/26/2013

| | | | | | |
|--------------------------------------|---|------------------------|--|--------------------------|-----------|
| | | | | Inspection Number | 740904 |
| | | | | Opt. Insp. Number | |
| Establishment Name | APPLE, INC. | | | | |
| DBA Name | | | | | |
| Type Of Violation | Serious | Citation Number | 1 | Item/Group | 1 / |
| Number Exposed | 104 | No. Instances | 1 | REC | Complaint |
| Special Enforcement? | | | Employer's Relationship to Hazard | All | |
| Standard | 1910.37(b)(6) | | | | |
| Substance Codes | | | Photo/Video Number | 1,2 | |
| Alleged Violation Description | <p>29 CFR 1910.37(b)(6):</p> <p>Each exit sign was not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source and be distinctive in color:</p> <p>An exit sign located above the door in the middle hallway was not illuminated.</p> | | | | |
| Recommended Abatement Action | <p>Abatement certification and abatement documentation is required for this violation. The documentation should include written verification of abatement, applicable measurements or monitoring results, and photographs or videos, which you believe will be helpful. The abatement certification sheet is enclosed with the citation(s).</p> | | | | |

Penalty

| | | | |
|--|---------|-------------------------|---------|
| Severity | Low | | |
| Severity Justification | | | |
| Probability | Lesser | | |
| Probability Justification | | | |
| Gravity | Low | Size | 10% |
| Gravity based Penalty | 3000.00 | Good Faith | 0% |
| Num Times Repeated | | History | 0% |
| Multiplier | 1 | Quick Fix | 0% |
| Calculated Penalty | 2700.00 | Proposed Penalty | 2700.00 |
| Proposed Penalty Justification: | | | |

Abatement Details

| | | | |
|--|-------------|-------------------------|--|
| Days to Abate | 15 Cal Days | Abatement Status | |
| User-entered Abatement Due Date | | Date Abated | |
| Abatement Documentation Required? | Yes | Date Verified | |
| Abatement Completed Description: | | | |

Multistep Abatement

| | | | | |
|------------------------|----------------------|--|--------------------------|--------------------|
| Type/Other Type | Days to abate | User entered Abatement Due Date | Completed(status) | Verify Date |
|------------------------|----------------------|--|--------------------------|--------------------|

Employee Exposure

| Exposure Instance | Name and Address Telephone Numbers | Duration | Frequency | Proximity |
|--------------------------|---|-----------------|------------------|------------------|
| | Megan McGuire 2440 Saint Louis Galleria SAINT LOUIS MO Work: 314-290-0400 Personal Mobile: Fax: | | | |
| | Rob Proffer 2440 St Louis Galleria SAINT LOUIS MO 63117 Work: 314-290-0400 Personal Mobile: Fax: | | | |
| | (b) (7)(C) | | | |
| | | | | |

| | | | | | |
|----------------------------------|-----------|--------------|-------------|-------------------|-----------------|
| 20. Instance Description: | A. Hazard | B. Equipment | C. Location | D. Injury/Illness | E. Measurements |
|----------------------------------|-----------|--------------|-------------|-------------------|-----------------|

a) **Hazards-Operation/Condition-Accident:** The exit sign located above the door in the middle hallway was not lit. As many as (b) employees work at the site every shift. The employees were exposed to a potential fire related hazard as the result of the non-lit exit sign.

The store operated on daily basis from 10:00 am to 9:00 pm. In case of a fire during power outage, the employees would have difficulty leaving the store with ease due to the insufficiently lit exit sign .

b) **Equipment:** Exit sign is not lit.

c) **Location:** Middle hallway of the Apple, Inc. store located at 2440 Saint Louis Galleria, Saint Louis, Missouri.

d) **Injury/Illness (and Justifications for Severity and Probability):** SEVERITY: LOW: Smoke inhalation and burns.

PROBABILITY: LESSER: Another exit door sign is located in the adjacent room. Exposure exists store Leader on a daily basis.

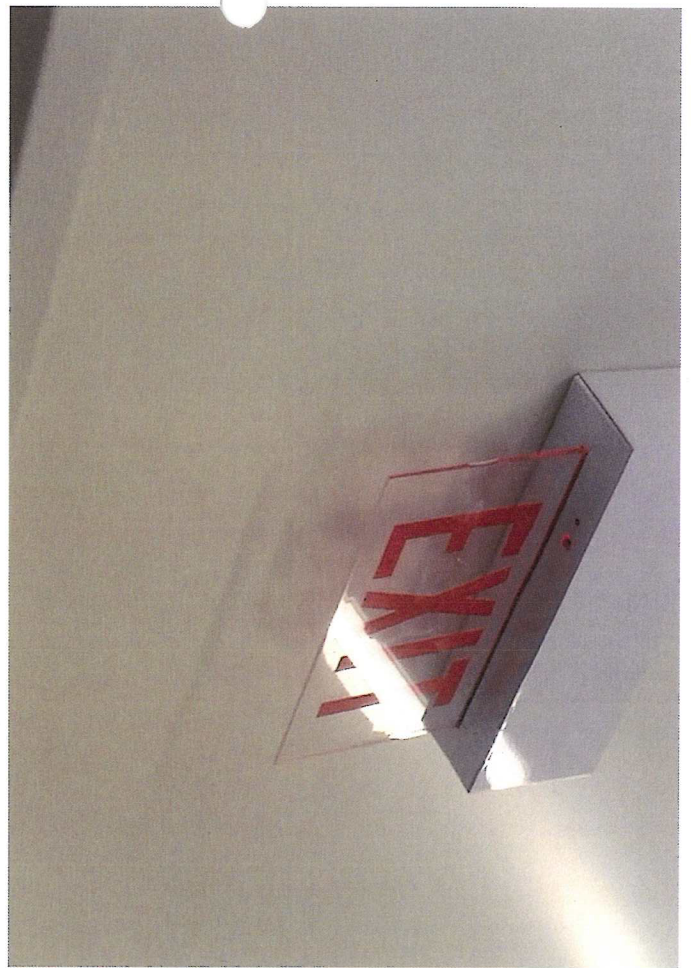
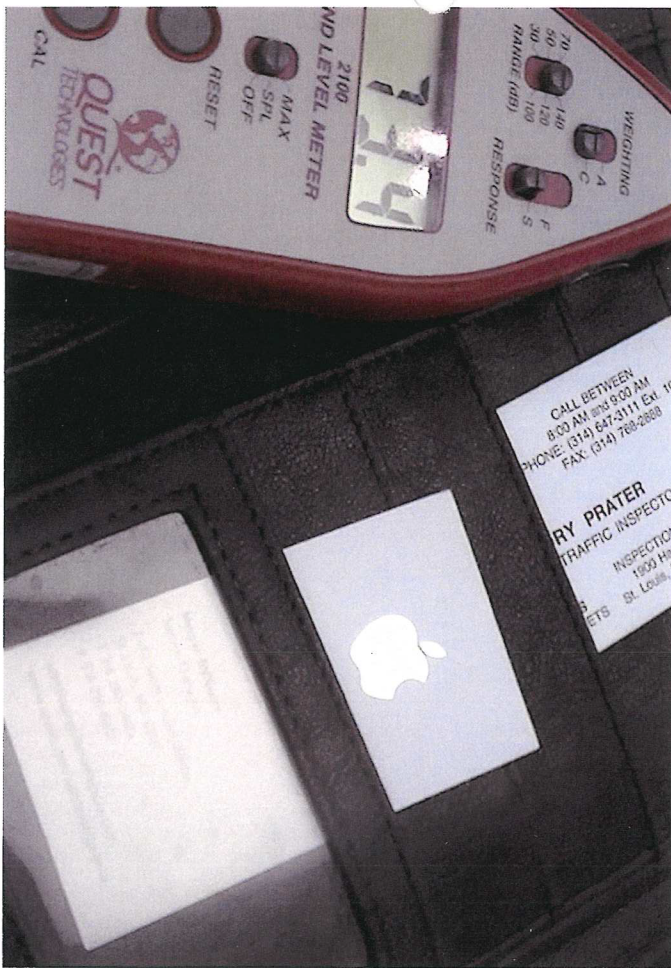
e) **Measurements:** One exit door is sign is not lit.

23. **Employer Knowledge:** Sr. Manager, Magan McGuire; Store Leader, Rob Proffer; and EHS Manager, Elizabeth Schmidt, work at the store on daily basis. The EHS Manager conducts daily inspections of the site.

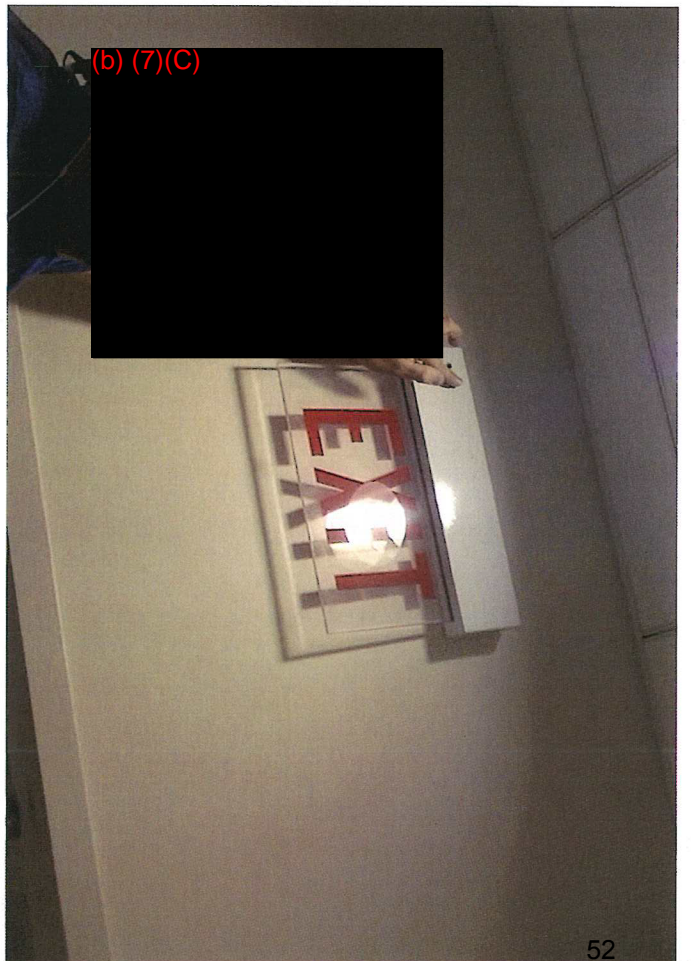
24. **Comments:** Store leader, Robb Proffer, stated that the condition was pointed out to management officials during a recent inspection by the fire marshal.

25. **Other Employer Information:**

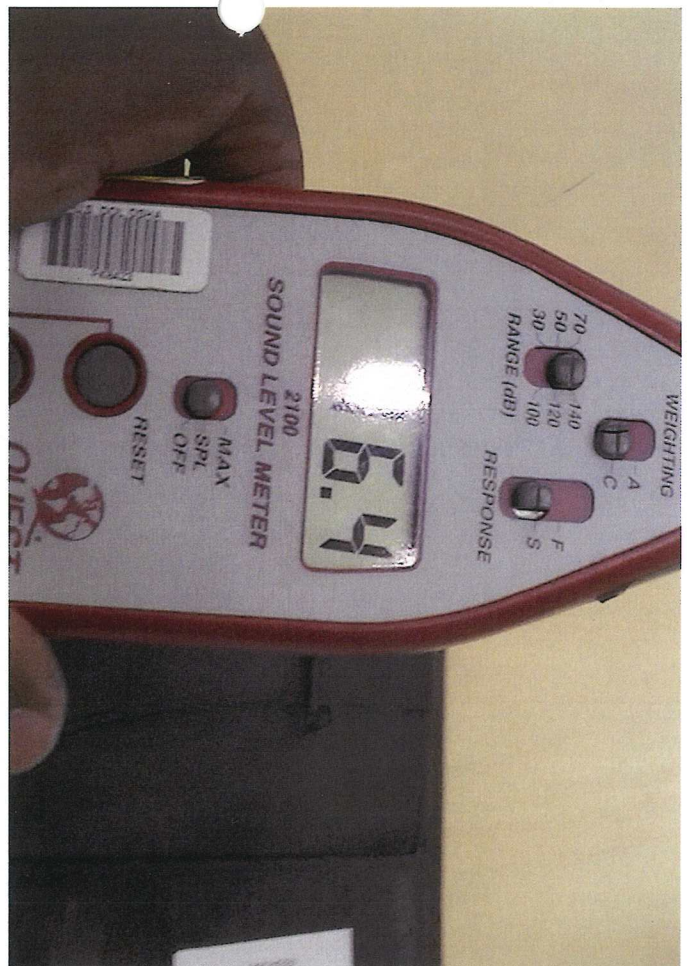
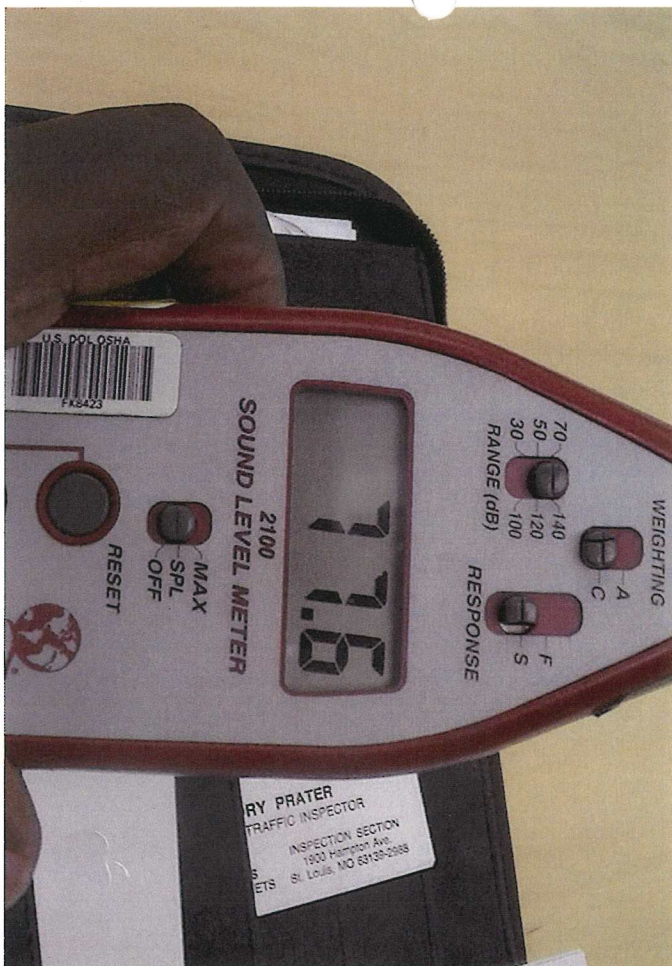
Photos



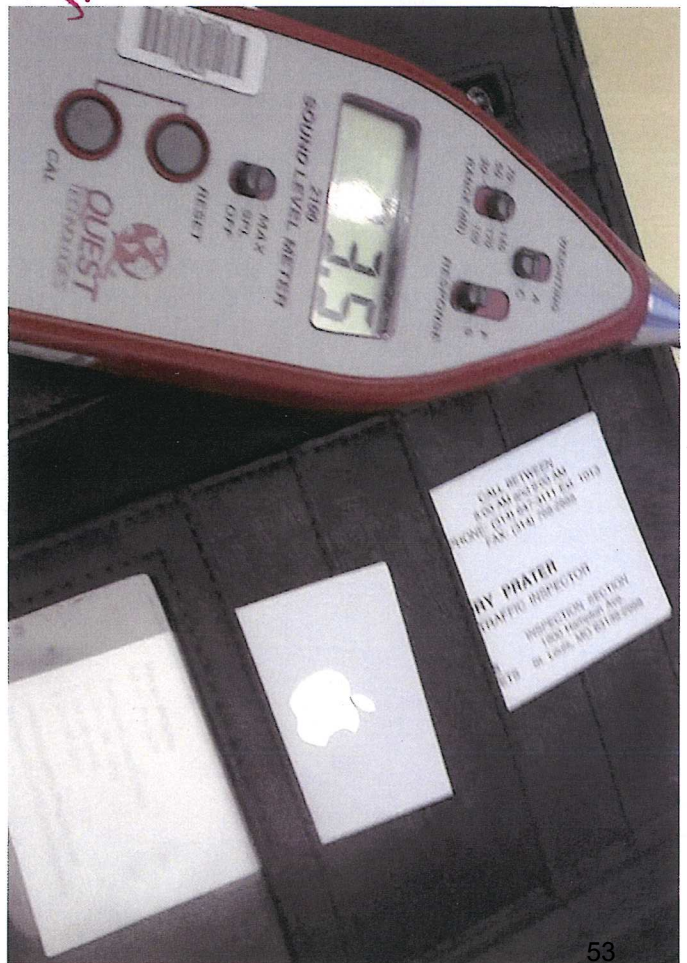
#7 Exit sign not working



Same as before.



* 3 meter readings / noise screening.



* same as above

Tech Info

(b) (7)(C), (b) (7)(E)

From: Elizabeth Schmidt <eschmidt@apple.com>
Sent: Friday, November 09, 2012 4:05 PM
To: (b) (7)(C), (b) (7)(E)
Cc: Erica Larsen; Rob Proffer; Megan McGuire
Subject: Follow up: Apple Galleria Store
Attachments: 121108_TransandReport_St Louis MO Noise.pdf; ATT1367075.htm; R114. Galleria. OSHA 10222012.pdf; ATT1367076.htm

Terefe-

As you requested, here is the full noise report and follow up on exit signage lighting.

1. Noise: Please see attached report on noise. As I mentioned in my earlier call, all exposures during the assessment were below ACGIH recommended Threshold Limit Values and OSHA action level and permissible exposure level for noise.
2. Exit signage: An evaluation of the signage was completed on 11/6/12, a new sign was recommended. A new sign was installed and confirmed to be functioning on 11/7/12.
3. Notice to employees: The information you left at the store was been posted next to the information iPads for all staff to see on 11/2/12.

Please let me know if you have any questions or further concerns.

Thank you,
Elizabeth

Elizabeth Schmidt
iPhone-(408)425-5150
eschmidt@apple.com

The Phylmar Group, Inc.

Environmental
H e a l t h
& S a f e t y
Management

November 8, 2012

Elizabeth Schmidt
EHS Manager
Apple Inc.
One Infiniti Loop
Cupertino CA 95014

Re: Letter Report for Noise Survey – St Louis MO

Dear Elizabeth,

I have enclosed the report for the referenced project.

Please contact me at 818-324-2934 if you have any questions. We appreciate the opportunity to be of service to you.

Very truly yours,

Lynette Stetler
Client Advisor

Enclosure



Occupational Health, Safety &
Environmental Consultants

NOISE EXPOSURE ASSESSEMENT

AT

Apple, Inc.
2440 Saint Louis Galleria
Saint Louis Missouri, 63117

Prepared for

The Phylmar Group
2342 Manning Avenue
Los Angeles, CA 90064

Prepared by

Colden Corporation
1617 JFK Blvd., suite 1705
Philadelphia. PA 19103

(b) (7)(C)

A large black rectangular redaction box covers the majority of the page content below the "Prepared by" section. The text "(b) (7)(C)" is printed in red at the top left corner of this redacted area.

Survey Dates: October 27 and 29, 2012

Colden Project 12563

Phylmar Case No.: 110-364A

Report Date: November 1, 2012

COLDEN CORPORATION • ONE PENN CENTER • 1617 JFK BLVD • SUITE 1705
PHILADELPHIA, PA 19103

PHONE: 215.496- 9237 • FAX: 215.496-9280

WWW.COLDEN.COM

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EXECUTIVE SUMMARY

On behalf of The Phylmar Group, Inc. Colden Corporation conducted a noise exposure assessment at 2440 Saint Louis Galleria, Saint Louis, Missouri. (b) (7)(C) CIH, CSP performed the assessment on Saturday, October 27 and Monday October 29, 2012. Our primary contact at the store was Rob Proffer, Apple Store Manager. Chris Robertson and Megan McGuire, Store Managers also assisted in the assessment.

This noise assessment was requested following complaints by Apple employees regarding excessive noise levels in the family room area of the store.

All exposures during the assessment were below American Conference of Governmental Industrial Hygienists (ACGIH) recommended Threshold Limit Values, and were below the mandatory U.S. Occupational Safety and Health Administration (OSHA) action level and permissible exposure level (PEL) for noise. Median noise dose for OSHA Hearing Conservation (80 dB threshold, retail personnel) was 77 dBA on Saturday and 66 dBA on Monday.

On Saturday, occupancy levels ranged from 43 to 148 throughout the afternoon shift and well into the evening. Occupancy fell below 100 after 8 PM. The median ambient noise level for all retail spaces was 69 dBA on Saturday and 66 dBA on Monday.

Employee noise exposure was in compliance with both the OSHA action level and OSHA PEL based on the representative full-shift noise exposure results collected over a two-day period. Apple Store staff stated that Saturday's are one of the store's busiest days of the week and that the Saturday that we monitored noise levels was typical whereas the Monday that we monitored was slower than normal.

NOISE EXPOSURE ASSESSEMENT

AT

Apple, Inc.
2440 Saint Louis Galleria
Saint Louis, Missouri 63317

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The Apple Store is a single-story facility situated on the second level of the Saint Louis Galleria and is accessed directly from the interior mall corridor. The front section of the store comprises retail sales, technical support, and customer service. The remaining portion of the store is "back of house" and is restricted to Apple Store employees. This area has computer terminals, managers' offices, and storage areas for Apple products and other merchandise. Employees use a separate room on the first floor of the mall, and directly below the 2nd floor store, for meal and work breaks.

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identifying personnel who met those criteria. It was determined that the shift hours of 10 AM to 7 PM and 11 AM to 8 PM represented the stores busiest hours.

3.0 METHODS

3.1 Noise Exposure

This noise exposure assessment included: (1) sampling representative personnel; (2) conducting ambient noise monitoring at designated areas in the store before and during store hours; and, (3) informally interviewing management and staff regarding their perceptions of noise levels, as well as the effect on them and their customers.

3.1.1 Personal Monitoring

Personal noise dosimeters were used to determine time-weighted average (TWA) noise exposures for comparison with occupational exposure limits. For full-shift monitoring periods, we used the average exposure (Lavg) as representative of their daily exposure.

Referenced occupational health standards include the U.S. Occupational Safety and Health Administration (OSHA) Permissible Exposure Limit (PEL) and American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Value (TLV). The OSHA noise standard is mandatory, whereas the ACGIH TLV is recommended, and compliance is voluntary. Both the OSHA Action Level and the ACGIH TLVs were adjusted to reflect a 9-hour work shift.

The OSHA PEL is 90 decibels, A-weighted (dBA), and is based on an 8-hour time-weighted average (TWA) exposure. The OSHA action level (AL) is 85 dBA, and is also based on a TWA over an 8-hour period. When exposed over the OSHA AL, employees are required to participate in a hearing conservation program. Both the OSHA PEL and AL have a 5-decibel exchange rate. The exchange rate refers to the decibel interval at which the sound pressure intensity approximately doubles and permissible exposure duration is halved.

The ACGIH TLV is 85 dBA. It is based on an 8-hour TWA, and incorporates an exchange rate of 3 decibels. A standard based on a 3-dB exchange rate will result in higher dose values when compared to measurements based on a 5-dB exchange rate.

Quest Edge model eg5 dosimeters were used to measure noise exposures. Measurements were taken using slow response and A-weighting. The dosimeter measures and integrates noise exposures using three different sets of parameters simultaneously.

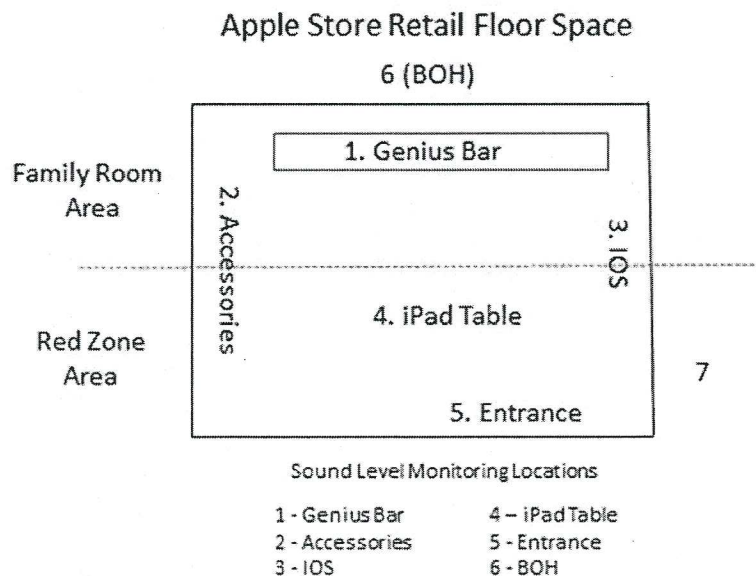
- To evaluate compliance with the action level in the OSHA Hearing Conservation Standard, the first set of parameters was: A-weighting, slow response, 5-dB exchange rate, 80-dB threshold, and 90-dBA criterion, the action level being 50% of the criterion, which is 85 dBA.
- To evaluate compliance with the OSHA Permissible Exposure Limit (PEL), the second set of parameters was: A-weighting, slow response, 5-dB exchange rate, 90-dB threshold, and 90-dBA criterion.
- To compare exposures with the ACGIH TLV for noise, the third set of parameters was: A-weighting, slow response, 3-dB exchange rate, 80-dB threshold, and 85-dBA criterion.

The dosimeter and microphone were positioned at the top of the shoulder, midway between the neck and end of the shoulder with the microphone pointing in a vertical upward position.

The dosimeters were calibrated before and after the sampling period using a Quest QC-10 calibrator. Area noise monitoring was performed using a 3M sound level meter.

3.1.2 Area Sound Level and Air Quality Parameter Measurements

Each day on Saturday and Monday using a sound level meter we recorded ambient noise levels at approximately the same locations in the store: (1) at the Genius Bar; (2) at the IOS section; (3) at the accessories section; (4) at the iPad table, middle of the retail space; (5), at the store entrance, and; (6) in the BOH, in the hall next to the managers' offices. The following floor plan illustrates the store layout and monitoring locations. The dashed line indicates the approximate boundary between the family room area and red zone sales area.



3.2 Interviews

During the course of our visit, we informally interviewed management and employees to learn which areas and times were perceived to be the noisiest. We also obtained employee feedback regarding the effects of noise on them and their customers.

4.0 RESULTS AND DISCUSSION

4.1 Area Sound Level Measurements

Noise monitoring results for this survey is presented in Tables 1 through 4 and in Figures 1 and 2.

Occupancy and Sound Levels

Ambient sound levels in the retail areas ranged from 58 to 74 dBA and experienced the highest levels during high occupancy periods. The store's floor plan, referenced in the previous section, shows the store layout and locations where ambient sound levels were measured. A complete summary of ambient noise and corresponding occupancy values for each day and store location can be found in Tables 3 and 4, and in Figures 1 and 2.

On Saturday, occupancy levels ranged from 43 to 148 throughout the afternoon shift and well into the evening. Occupancy fell below 100 after 8 PM. The median ambient noise level for all retail spaces was 69 dBA.

On Monday, occupancy levels ranged from 19 to 77 during store hours. The median ambient noise level for all retail spaces was 66 dBA.

The Back of House (BOH) area was quieter, with a median sound level of 62 dBA on Saturday and 61 dBA on Monday.

Staff stated that Saturday occupancy levels were typical but that Monday was slower than usual. The relationships between sound level and time of day, and sound level and occupancy are illustrated in the scatter plots - Figures 1 and 2. In interviews, employees expressed concern that the noise levels interfered with their training and that their throats hurt at the end of the day from trying to talk over the noise levels in the store.

The store music system does not appear to have the capacity to exceed either OSHA or ACGIH occupational exposure levels. During our visit, the background music volume was barely noticeable, even during periods of low occupancy.

4.2 Personal Noise Dose Exposure

No full shift exposures exceeded either the OSHA action level or PEL. Full-shift noise dosimetry results are summarized in tables 1 and 2. These results represent 9-hour shifts and both the OSHA Action Level and ACGIH TLV have been adjusted to reflect the extended shift. All full-shift noise exposure results on both Saturday and Monday were well below a level of concern. Apple Store employees who work in the Red Zone, as Family Room Specialists, Creative/Trainers, and Genius positions spend the majority of their work shifts talking to customers. In interviews, employees stated that Saturday was a typically busy day, and the five full-shift Lavg values ranged from 68.7 dBA to 78.1 dBA based on the OSHA Action Level criteria. . On Monday, with smaller occupancy levels, four full-shift Lavg values ranged from 65.3 to 72.8 based on the OSHA Action Level criteria.

Based on both the full-shift noise exposure results and sound level measurements collected over a two-day period, employee exposure was well below both the OSHA action level and OSHA PEL. During interviews, staff personnel indicated that Saturday was as typical day and that Monday was slower than usual.

On each day, we monitored personal noise exposure during the last couple of hours of store hours to determine if the average exposure during this period was comparable to full shift exposure results. We monitored Jay Robinson, a family room specialist, for approximately two hours on both Saturday and Monday. The Lavg results were similar on both days: 69.2 dBA on Saturday and 69.3 dBA on Monday. If extrapolated to full-shift, these samples appear indicate that personal noise exposure during the final retail store hours were well within the range of the full-shift results.

Table 1: Full-Shift Noise Dosimetry Results, Saturday, 10/27/12

| Employee / Activity / Sampling Date | Sample ID / Dosimeter ID / Duration / Work Shift | Average Noise (Lavg) during Monitoring Period Results (dBA) | | | Exposures in Compliance? |
|---|---|---|----------|-----------|-----------------------------|
| | | OSHA Action Level | OSHA PEL | ACGIH TLV | |
| (b) (7)(C) | BK-1 20175 540 minutes 10:00 AM-7:00 PM | 68.7 | 54.4 | 76.4 | Yes |
| | CM-1 20224 544 minutes 10:00 AM-7:00 PM | 78.1 | 70.0 | 82.4 | Yes |
| | KH-1 20176 529 minutes 10:00 AM-7:00 PM | 76.7 | 67.1 | 84.2 | Yes |
| | DW-1 20206 541 minutes 10:00 AM-7:00 PM | 73.8 | 63.0 | 81.8 | Yes |
| | BL-1 20208 526 minutes 10:00 AM-7:00 PM | 77.0 | 63.1 | 80.8 | Yes |
| OSHA Action Level | | 84.2 | --- | --- | |
| OSHA Permissible Exposure Limit | | --- | 90 | --- | |
| ACGIH Threshold Limit Value | | --- | --- | 84.5 | |

Notes: OSHA Action Level and ACGIH TLV adjusted the 9-hour extended work shift.

Table 2: Full Shift Noise Dosimetry Results, Monday, 10/29/12

| Employee / Activity / Sampling Date | Sample ID / Dosimeter ID / Duration / Work Shift | Average Noise (Lavg) during Monitoring Period Results (dBA) | | | Exposures in Compliance? |
|---|---|---|-----------|-----------|-----------------------------|
| | | OSHA Action Level | OSHA PEL | ACGIH TLV | |
| (b) (7)(C) | AS-1 20176 549 minutes 10:00 AM-7:00 PM | 65.9 | 49.9 | 73.6 | Yes |
| | DS-1 20208 540 minutes 10:00 AM-7:00 PM | Data lost | Data lost | Data lost | NA |
| | KK-1 20175 524 minutes 10:00 AM-7:00 PM | 63.5 | 36.3 | 71.4 | Yes |
| | NP-1 20206 537 minutes 11:00 AM-8:00 PM | 72.8 | 50.3 | 77.7 | Yes |
| | SS-1 20224 529 minutes 11:00 AM-8:00 PM | 65.7 | 39.7 | 73.0 | Yes |
| OSHA Action Level | | 84.2 | --- | --- | |
| OSHA Permissible Exposure Limit | | --- | 90 | --- | |
| ACGIH Threshold Limit Value | | --- | --- | 84.5 | |

Notes:

*Data lost at end of the shift during data retrieval. Last check at 7 hours into shift indicated an average ACGIH (TWA) of approximately 72 dBA, well below a level of concern.
 OSHA Action Level and ACGIH TLV adjusted the 9-hour extended work shift.

Table 3: Sound Level Measurements (SLM), Saturday, 10/27/12

| Time | Occupancy | Genius Bar | Accessories | IOS | Middle iPad Table | Entrance | BOH |
|----------|-----------|------------|-------------|-----|-------------------|----------|-----|
| 9:36 AM | 43 | 63 | 63 | 63 | 63 | 63.0 | 60 |
| 10:12 AM | 66 | 65 | 63 | 62 | 66 | 65 | 61 |
| 11:04 AM | 102 | 68 | 68 | 70 | 74 | 68 | 62 |
| 12:04 PM | 95 | 68 | 68 | 65 | 65 | 69 | 65 |
| 1:08 PM | 139 | 72 | 72 | 69 | 71 | 71 | 65 |
| 2:11 PM | 127 | 70 | 71 | 69 | 73 | 68 | 64 |
| 3:18 PM | 148 | 68 | 69 | 69 | 73 | 72 | 62 |
| 4:05 PM | 141 | 71 | 69 | 68 | 71 | 70 | 68 |
| 5:05 PM | 108 | 72 | 69 | 67 | 68 | 73 | 67 |
| 6:05 PM | 100 | 71 | 64 | 67 | 70 | 69 | 68 |
| 7:20 PM | 107 | 69 | 68 | 68 | 70 | 69 | 59 |
| 8:04 PM | 101 | 68 | 65 | 68 | 70 | 68 | 59 |
| 8:47 PM | 63 | 69 | 69 | 66 | 67 | 69 | 59 |

Notes:

- Results in dBA
- Back of House (BOH) monitoring done outside of manager's office

Table 4: Sound Level Measurements (SLM) – Monday, 10/29/12

| Time | Occupancy | Genius Bar | Accessories | IOS | Middle iPad Table | Entrance | BOH |
|----------|-----------|------------|-------------|-----|-------------------|----------|-----|
| 9:19 AM | 27 | 64 | 61 | 60 | 58 | 59 | 62 |
| 10:18 AM | 59 | 67 | 67 | 66 | 67 | 66 | 59 |
| 11:04 AM | 62 | 65 | 64 | 68 | 65 | 66 | 62 |
| 12:05 PM | 53 | 66 | 66 | 69 | 67 | 62 | 61 |
| 1:10 PM | 72 | 68 | 67 | 65 | 70 | 68 | 61 |
| 2:07 PM | 59 | 61 | 62 | 63 | 67 | 66 | 59 |
| 3:15 PM | 46 | 67 | 65 | 66 | 68 | 69 | 61 |
| 4:06 PM | 62 | 69 | 64 | 68 | 67 | 68 | 65 |
| 5:07 PM | 65 | 65 | 64 | 62 | 67 | 66 | 68 |
| 6:05 PM | 53 | 66 | 65 | 66 | 66 | 64 | 67 |
| 7:13 PM | 53 | 62 | 65 | 64 | 63 | 63 | 68 |
| 8:04 PM | 77 | 65 | 67 | 67 | 65 | 64 | 64 |
| 9:01 PM | 19 | 59 | 55 | 56 | 60 | 60 | 60 |

Notes:

- Results in dBA
- Back of House (BOH) monitoring done outside of manager's office

Figure 1: Ambient Sound Level as a Function of the Time of Day

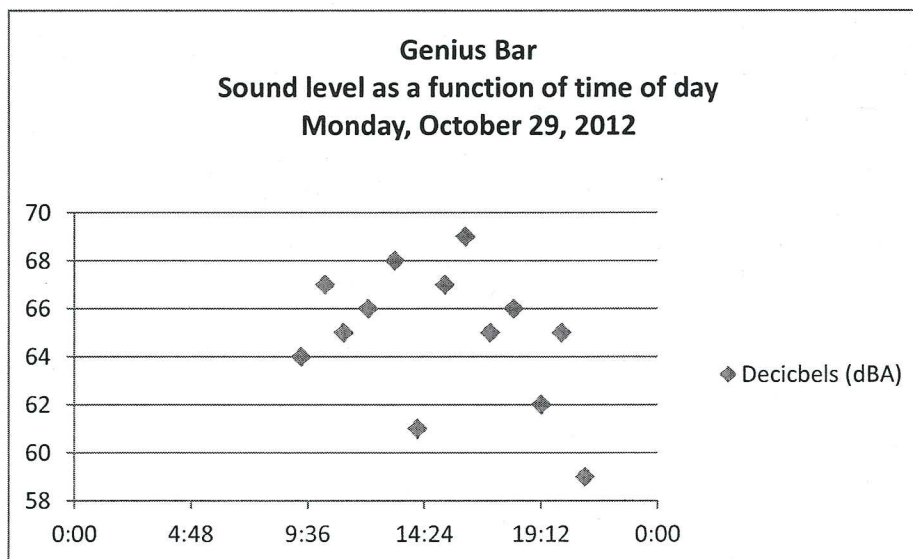
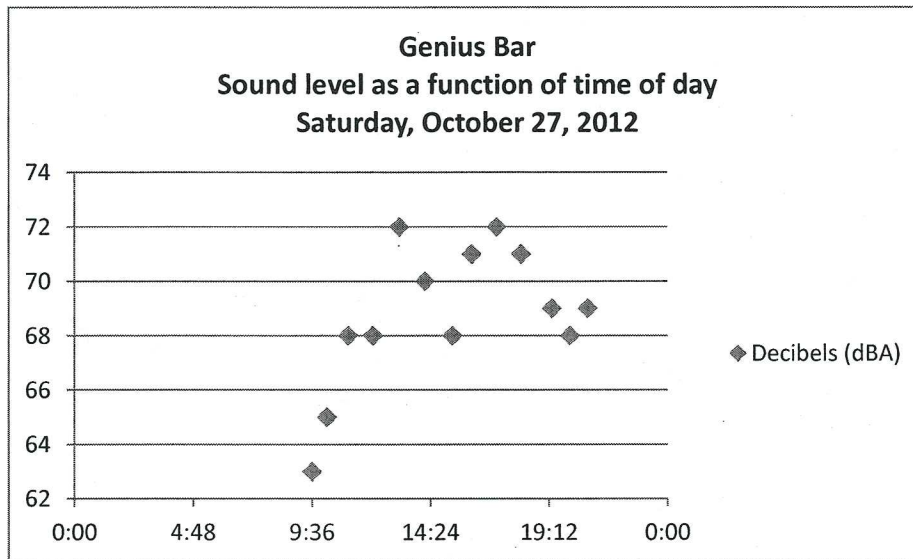
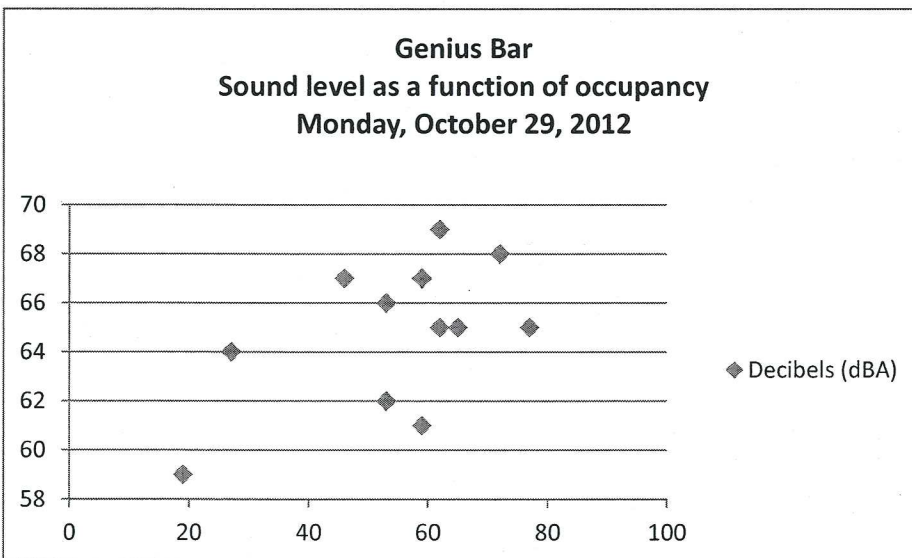
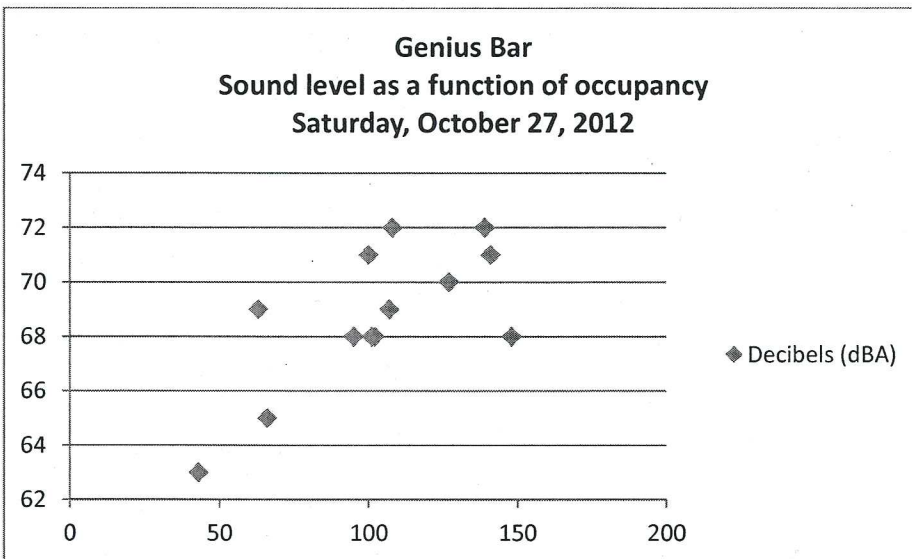


Figure 2: Ambient Sound Level as a Function of Occupancy



END of REPORT

The Phylmar Group, Inc.

Environmental
H e a l t h
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Management

November 8, 2012

Elizabeth Schmidt
EHS Manager
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Client Advisor

Enclosure

2342 Manning Avenue • Los Angeles, California 90064
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Occupational Health, Safety &
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NOISE EXPOSURE ASSESSEMENT

AT

Apple, Inc.
2440 Saint Louis Galleria
Saint Louis Missouri, 63117

Prepared for

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Survey Dates: October 27 and 29, 2012
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Phylmar Case No.: 110-364A
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NOISE EXPOSURE ASSESSEMENT

AT

Apple, Inc.
2440 Saint Louis Galleria
Saint Louis, Missouri 63317

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During the course of our visit, we informally interviewed management and employees to learn which areas and times were perceived to be the noisiest. We also obtained employee feedback regarding the effects of noise on them and their customers.

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Noise monitoring results for this survey is presented in Tables 1 through 4 and in Figures 1 and 2.

Occupancy and Sound Levels

Ambient sound levels in the retail areas ranged from 58 to 74 dBA and experienced the highest levels during high occupancy periods. The store's floor plan, referenced in the previous section, shows the store layout and locations where ambient sound levels were measured. A complete summary of ambient noise and corresponding occupancy values for each day and store location can be found in Tables 3 and 4, and in Figures 1 and 2.

On Saturday, occupancy levels ranged from 43 to 148 throughout the afternoon shift and well into the evening. Occupancy fell below 100 after 8 PM. The median ambient noise level for all retail spaces was 69 dBA.

On Monday, occupancy levels ranged from 19 to 77 during store hours. The median ambient noise level for all retail spaces was 66 dBA.

The Back of House (BOH) area was quieter, with a median sound level of 62 dBA on Saturday and 61 dBA on Monday.

Staff stated that Saturday occupancy levels were typical but that Monday was slower than usual. The relationships between sound level and time of day, and sound level and occupancy are illustrated in the scatter plots - Figures 1 and 2. In interviews, employees expressed concern that the noise levels interfered with their training and that their throats hurt at the end of the day from trying to talk over the noise levels in the store.

The store music system does not appear to have the capacity to exceed either OSHA or ACGIH occupational exposure levels. During our visit, the background music volume was barely noticeable, even during periods of low occupancy.

4.2 Personal Noise Dose Exposure

No full shift exposures exceeded either the OSHA action level or PEL. Full-shift noise dosimetry results are summarized in tables 1 and 2. These results represent 9-hour shifts and both the OSHA Action Level and ACGIH TLV have been adjusted to reflect the extended shift. All full-shift noise exposure results on both Saturday and Monday were well below a level of concern. Apple Store employees who work in the Red Zone, as Family Room Specialists, Creative/Trainers, and Genius positions spend the majority of their work shifts talking to customers. In interviews, employees stated that Saturday was a typically busy day, and the five full-shift Lavg values ranged from 68.7 dBA to 78.1 dBA based on the OSHA Action Level criteria. . On Monday, with smaller occupancy levels, four full-shift Lavg values ranged from 65.3 to 72.8 based on the OSHA Action Level criteria.

Based on both the full-shift noise exposure results and sound level measurements collected over a two-day period, employee exposure was well below both the OSHA action level and OSHA PEL. During interviews, staff personnel indicated that Saturday was as typical day and that Monday was slower than usual.

On each day, we monitored personal noise exposure during the last couple of hours of store hours to determine if the average exposure during this period was comparable to full shift exposure results. We monitored (b) (7)(C) a family room specialist, for approximately two hours on both Saturday and Monday. The Lavg results were similar on both days: 69.2 dBA on Saturday and 69.3 dBA on Monday. If extrapolated to full-shift, these samples appear indicate that personal noise exposure during the final retail store hours were well within the range of the full-shift results.

Table 1: Full-Shift Noise Dosimetry Results, Saturday, 10/27/12

| Employee / Activity / Sampling Date | Sample ID / Dosimeter ID / Duration / Work Shift | Average Noise (Lavg) during Monitoring Period Results (dBA) | | | Exposures in Compliance? |
|---|---|---|----------|-----------|-----------------------------|
| | | OSHA Action Level | OSHA PEL | ACGIH TLV | |
| (b) (7)(C) | BK-1 20175 540 minutes 10:00 AM-7:00 PM | 68.7 | 54.4 | 76.4 | Yes |
| | CM-1 20224 544 minutes 10:00 AM-7:00 PM | 78.1 | 70.0 | 82.4 | Yes |
| | KH-1 20176 529 minutes 10:00 AM-7:00 PM | 76.7 | 67.1 | 84.2 | Yes |
| | DW-1 20206 541 minutes 10:00 AM-7:00 PM | 73.8 | 63.0 | 81.8 | Yes |
| | BL-1 20208 526 minutes 10:00 AM-7:00 PM | 77.0 | 63.1 | 80.8 | Yes |
| OSHA Action Level | | 84.2 | --- | --- | |
| OSHA Permissible Exposure Limit | | --- | 90 | --- | |
| ACGIH Threshold Limit Value | | --- | --- | 84.5 | |

Notes: OSHA Action Level and ACGIH TLV adjusted the 9-hour extended work shift.

Table 2: Full Shift Noise Dosimetry Results, Monday, 10/29/12

| Employee / Activity / Sampling Date | Sample ID / Dosimeter ID / Duration / Work Shift | Average Noise (Lavg) during Monitoring Period Results (dBA) | | | Exposures in Compliance? |
|---|---|---|-----------|-----------|-----------------------------|
| | | OSHA Action Level | OSHA PEL | ACGIH TLV | |
| (b) (7)(C) | AS-1 20176 549 minutes 10:00 AM-7:00 PM | 65.9 | 49.9 | 73.6 | Yes |
| | DS-1 20208 540 minutes 10:00 AM-7:00 PM | Data lost | Data lost | Data lost | NA |
| | KK-1 20175 524 minutes 10:00 AM-7:00 PM | 63.5 | 36.3 | 71.4 | Yes |
| | NP-1 20206 537 minutes 11:00 AM-8:00 PM | 72.8 | 50.3 | 77.7 | Yes |
| | SS-1 20224 529 minutes 11:00 AM-8:00 PM | 65.7 | 39.7 | 73.0 | Yes |
| OSHA Action Level | | 84.2 | --- | --- | |
| OSHA Permissible Exposure Limit | | --- | 90 | --- | |
| ACGIH Threshold Limit Value | | --- | --- | 84.5 | |

Notes:

*Data lost at end of the shift during data retrieval. Last check at 7 hours into shift indicated an average ACGIH (TWA) of approximately 72 dBA, well below a level of concern.

OSHA Action Level and ACGIH TLV adjusted the 9-hour extended work shift.

Table 3: Sound Level Measurements (SLM), Saturday, 10/27/12

| Time | Occupancy | Genius Bar | Accessories | IOS | Middle iPad Table | Entrance | BOH |
|----------|-----------|------------|-------------|-----|-------------------|----------|-----|
| 9:36 AM | 43 | 63 | 63 | 63 | 63 | 63.0 | 60 |
| 10:12 AM | 66 | 65 | 63 | 62 | 66 | 65 | 61 |
| 11:04 AM | 102 | 68 | 68 | 70 | 74 | 68 | 62 |
| 12:04 PM | 95 | 68 | 68 | 65 | 65 | 69 | 65 |
| 1:08 PM | 139 | 72 | 72 | 69 | 71 | 71 | 65 |
| 2:11 PM | 127 | 70 | 71 | 69 | 73 | 68 | 64 |
| 3:18 PM | 148 | 68 | 69 | 69 | 73 | 72 | 62 |
| 4:05 PM | 141 | 71 | 69 | 68 | 71 | 70 | 68 |
| 5:05 PM | 108 | 72 | 69 | 67 | 68 | 73 | 67 |
| 6:05 PM | 100 | 71 | 64 | 67 | 70 | 69 | 68 |
| 7:20 PM | 107 | 69 | 68 | 68 | 70 | 69 | 59 |
| 8:04 PM | 101 | 68 | 65 | 68 | 70 | 68 | 59 |
| 8:47 PM | 63 | 69 | 69 | 66 | 67 | 69 | 59 |

Notes:

- Results in dBA
- Back of House (BOH) monitoring done outside of manager's office

Table 4: Sound Level Measurements (SLM) – Monday, 10/29/12

| Time | Occupancy | Genius Bar | Accessories | IOS | Middle iPad Table | Entrance | BOH |
|----------|-----------|------------|-------------|-----|-------------------|----------|-----|
| 9:19 AM | 27 | 64 | 61 | 60 | 58 | 59 | 62 |
| 10:18 AM | 59 | 67 | 67 | 66 | 67 | 66 | 59 |
| 11:04 AM | 62 | 65 | 64 | 68 | 65 | 66 | 62 |
| 12:05 PM | 53 | 66 | 66 | 69 | 67 | 62 | 61 |
| 1:10 PM | 72 | 68 | 67 | 65 | 70 | 68 | 61 |
| 2:07 PM | 59 | 61 | 62 | 63 | 67 | 66 | 59 |
| 3:15 PM | 46 | 67 | 65 | 66 | 68 | 69 | 61 |
| 4:06 PM | 62 | 69 | 64 | 68 | 67 | 68 | 65 |
| 5:07 PM | 65 | 65 | 64 | 62 | 67 | 66 | 68 |
| 6:05 PM | 53 | 66 | 65 | 66 | 66 | 64 | 67 |
| 7:13 PM | 53 | 62 | 65 | 64 | 63 | 63 | 68 |
| 8:04 PM | 77 | 65 | 67 | 67 | 65 | 64 | 64 |
| 9:01 PM | 19 | 59 | 55 | 56 | 60 | 60 | 60 |

Notes:

- Results in dBA
- Back of House (BOH) monitoring done outside of manager's office

Figure 1: Ambient Sound Level as a Function of the Time of Day

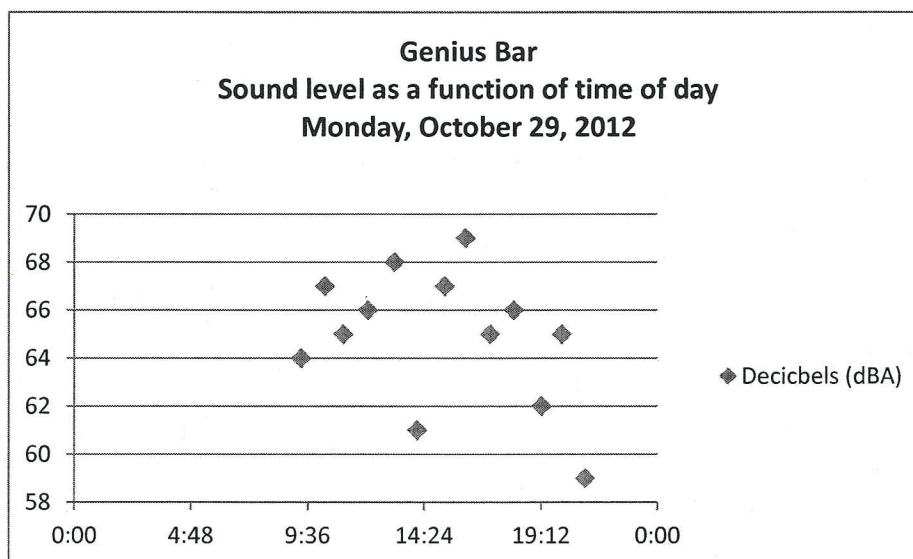
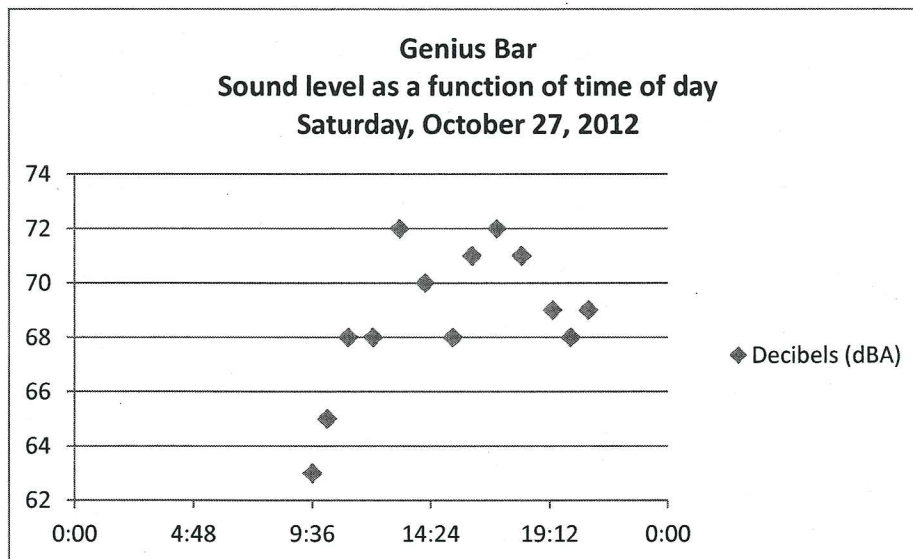
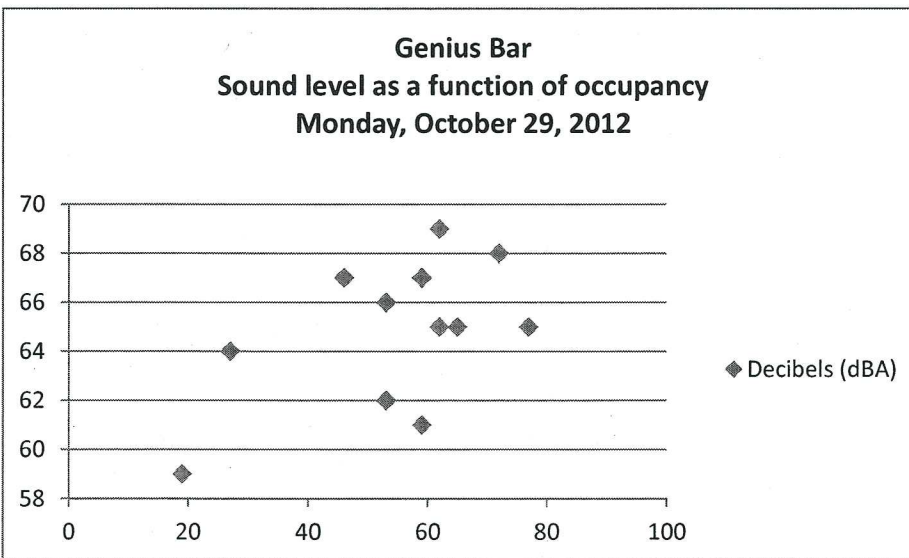
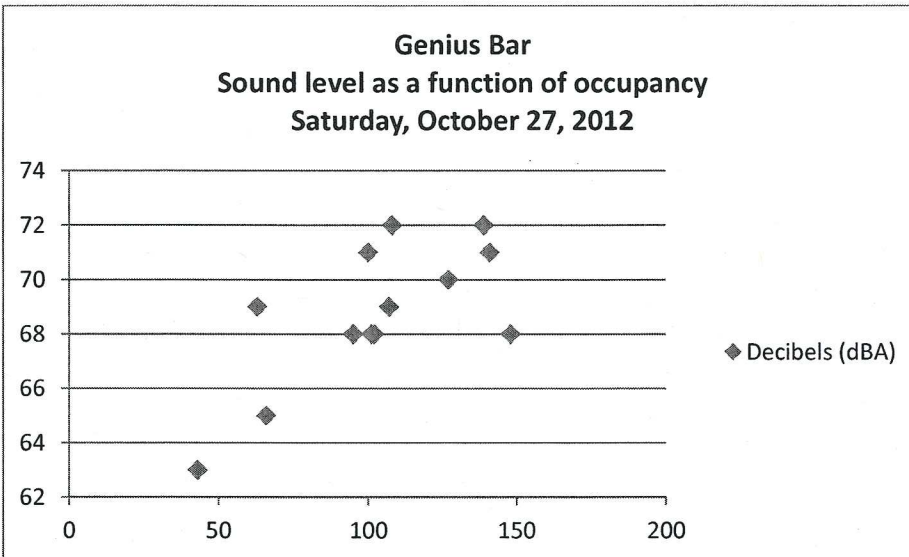
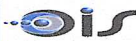


Figure 2: Ambient Sound Level as a Function of Occupancy



END of REPORT



FINAL

Inspection Number: 740904

Establishment APPLE, INC.
Name:

RID: 0729300

Inspection Information

CSHO Info

CSHO ID*: (b) (7)
Supervisor*: (C), (b)
(7)(E)

Accompanied By:
Optional Report
Number:

CSHO Job Title:

Related Activities

| Activity Number | Activity Type | Satisfied | Estab Name |
|-----------------|---------------|-----------|-------------|
| 627370 | Complaint | | APPLE, INC. |

Related Inspections

Concurrent Inspections

Inspection Number

Joint-Employer Inspections

Inspection Number

Estab Name

Multi-Employer Inspections

Inspection Number

Estab Name

Previous/Subsequent Inspections

Inspection Number

Previous/Subsequent

Site Address Information

Establishment Information

Establishment Name: APPLE, INC.
Ownership: Private Sector
Type of Business: Corporation

Establishment DBA:
Establishment ID: 973582688
Primary NAICS: 443120 - Computer and
Software Stores

Injury Illness

Business Address

Street Address 1: 2440 ST. LOUIS GALLERIA
Street Address 2:
Country: UNITED STATES OF AMERICA
State: MISSOURI
City: SAINT LOUIS

County: SAINT LOUIS
Zip Code: 63117
E-mail Address:
Phone Number: 3142900400
Fax:

Mailing Address

Street Address 1: 2440 ST. LOUIS GALLERIA

86

Field Notes

10/24/12

Store leader - Rob Proffer -

SA Mgr. - Megan McGuire

- Saturday - 27

Apple Inc
2440 St. Louis Galleria
St Louis, MO 63117

* (b) (4) EES
CCs - (b) (4) typical - Sat.
Pick time.
➤ 10,000

Tel # (314) 290-0400
for

(1) Noise monitoring will be conducted on Sat 27, and Monday 29 by a third party Co. Results will be forwarded

(2) Total # EES at our store is (b) (4). Pick time # CCs (b) (4).
(Round day. A typical day # of EES (b) (4).

(3) - RR only 1 for (b) (4) CCs however, CCs can go out to any RR in the mall.

(4) - No problem with water closet. Tested with caution. No grounding problem was found.

- NO cancer
- Presented confidential
- H/C
- Monitoring
- EES interviews
- Permission was granted by Rob Proffer via SA mgr. Megan McGuire

Peak Time / Day Saturday 11-1:30
2 - closing -

- Gensens Room - 73-81 dBA.

- Front Left - 74.5 -

Gensens Repair Room 72.6 dBA - 74.5
Stock

(b) (7)(C)



| History |



Exit

Establishment - Search

| | | | | | |
|-------------------|--------------------------------------|-----------------|---|------------------|----------------------|
| Establishment ID: | <input type="text"/> | Federal Agency: | <input type="text" value="Type at least 3 characters"/> | Primary NAICS: | <input type="text"/> |
| Name: | <input type="text" value="apple *"/> | Local Agency: | <input type="text" value="Type at least 3 characters"/> | Federal EIN/TIN: | <input type="text"/> |
| Soundex Search: | <input type="checkbox"/> | State Agency: | <input type="text" value="Type at least 3 characters"/> | DUNS Number: | <input type="text"/> |
| Business Phone: | <input type="text"/> | | | | |

Address (Business/Mailing)

| | | | | |
|----------------|---|-------------------------------|----------|---|
| Address type: | <input checked="" type="radio"/> Business | <input type="radio"/> Mailing | Country: | <input type="text" value="UNITED STATES OF AMERICA"/> |
| Street Line 1: | <input type="text"/> | | State: | <input type="text" value="MISSOURI"/> |
| Street Line 2: | <input type="text"/> | | County: | <input type="text" value="Select One"/> |
| Zip Code: | <input type="text"/> | | City: | <input type="text" value="Select One"/> |

[Search](#) [Create Establishment](#) [Reset](#)

| ID | Name | DBA Name | NAICS | Addr Line 1 | Addr Line 2 | City | County | State | Zip Code | Country | MAST... | latest i... | No. of ... | HISTOR... |
|---------------|------|----------|-------|-------------|-------------|------|--------|-------|----------|---------|---------|-------------|------------|-----------|
| No data found | | | | | | | | | | | | | | |

[View Details](#) [Select Establishment](#) [View History](#) [Manage Linkage](#) [Set Destination Establishment](#)

No repeated violations